



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –JANUARY 20, 2015**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **January 20, 2015** at 6:00 PM at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Norm Searle, Mayor
Braden Mitchell, Councilor
Michael Staten, Councilor
Brent Ellis, Councilor
Gary E. Griffiths, Councilor

Member Excused: Don Hunt, Councilor

Others Present: Rodger Worthen, City Administrator; Michael Eggett, Community Development Director; Shawn Douglas, Public Works Director; Steve Brooks, City Attorney; Dave Hansen, Police Chief; Lynn Fortie, Business Administrator; Roger Wedde, Court Clerk Coordinator; Ember Herrick, City Recorder and 10 members of the public including Brad Brown, Brielle Brown, David Gailey, Betty Gailey, Greg Waters, David Leahy and three Bonneville High School Students including Logan Voight.

A. Welcome & Roll Call

Mayor Searle called the meeting to order and welcomed all in attendance including all Council members except Councilor Hunt who is excused. He asked the Bonneville High School students to introduce themselves and two student body officers thanked the city for previous donations and asked the Mayor and Council to donate to the upcoming 2015 graduation party. Riverdale Police Chief Dave Hansen said money is budgeted for this annual event and once the city receives a written request from the school's principal a check will be issued.

Logan Voight said he is with Communities That Care and he invited the Mayor, Council and staff to attend a town meeting on Thursday January 22, 2015 from 6:30 p.m. to 7:30 p.m. for a panel discussion on underage drinking and substance abuse with members of Utah's Ski and Snowboard Team and State of Utah First Lady Jeanette Herbert.

B. Pledge of Allegiance

Councilor Staten led the Pledge of Allegiance.

C. Moment of Silence

Mayor Searle called for a moment of silence when he asked everyone to remember our police officers, fire fighters, and U.S. military service members.

D. Open Communications

Mayor Searle invited any member of the public with questions or concerns to address the Council for approximately three minutes.

Riverdale resident Greg Waters presented the Mayor and Council with a petition with 32 signatures in support of preserving a bootleg mountain bike trail on city property at address 3400 South Parker Drive, including the signature of Councilors Staten and Ellis. Mr. Waters said the old farm equipment incorporated into the bike trail adds character and he asked that the Council preserve the existing features and engineer it for safety similar to a terrain park at a ski resort. He said the feature also caters to beginner cyclists with bypass routes around all of the trail's dangerous features.

E. Presentations and Reports

Mayor Searle extended condolences to the family of resident Nicholas Morse who was killed in a car accident recently.

City Administrator Rodger Worthen recognized the police department for their professionalism in the difficult situations they address and noted staff with anniversaries in the month of January thanking them for their service including Cindi Draper who has 20 years with Riverdale City, Roger Wedde with 15 years, and Stacey Comeau with 10 years. Mayor Searle and Mr. Worthen presented Mr. Wedde with a service recognition award. Mr. Worthen asked for any questions about the treasury reports or staffing authorization report and none were noted.

Community Development Director Michael Eggett gave staff a report on a hot chocolate stand business license inquiry by six year old Brielle Brown and her father Brad Brown. Mr. Eggett said he researched Salt Lake County's ordinance and found a brief discussion about allowing children to run lemonade stands in the 2012 minutes of Salt Lake County's health department meeting minutes where the body determined children do not need to secure a commercial vendors license. According to Mr. Eggett, there is one line in Salt Lake County's code exempting children's lemonade stands

Mr. Eggett said Riverdale's code doesn't allow sales from tables or tents except for limited events covered under the development agreements of certain permanent businesses. He said if Brielle wishes to sell hot chocolate from a vending cart she will need adult supervision and the cart will be subject to safety and fire inspections as outlined in the city's code. According to Mr. Eggett, these types of businesses are only allowed in certain zones in Riverdale and if there is Council consensus to change the standards it will require three sections of Riverdale City's code to be amended and determinations made about what products will be allowed to be sold from temporary structures, what age group is exempt from licensure, and how the Council would like staff to enforce the ordinance changes.

Councilor Staten said he supplement's his income with a home based woodworking business where he is subject to city ordinances that restrict his business to less than 25% of his home, requires him to sell his products online to minimize traffic congestion in the city's residential neighborhoods, and prevents him from operating out of an accessory building in his backyard. He asked when a home hobby becomes a business and Mr. Staten said selling any products or services within Riverdale city boundaries qualifies as

conducting business and the ordinances were designed to protect the residential character of Riverdale's residential zones.

Councilor Staten said when he decided to run for Council he intended to review Riverdale City's code and propose amending all ordinances that didn't make sense but he said he quickly realized many city requirements are to comply with state laws, including the definition of a firearm. Councilor Staten asked if the Council could allow children's lemonade stands and City Attorney Steve Brooks said not without amending the city code as explained by Mr. Eggett and opening the city up to requests from a plethora of other businesses and temporary structures in residential yards and on street corners competing with Riverdale's brick and mortar businesses in the commercial district.

Councilor Griffiths said he has health and safety concerns about a six year old handling hot chocolate because of the potential for scalding and burns inherent with handling a hot liquid and working with electrical equipment. He said temporary businesses in commercial zones could negatively impact permanent businesses and in residential areas these businesses could create parking and traffic congestion and legal complications with child labor laws.

Councilor Staten asked if yard sales are regulated in Riverdale and Mr. Eggett said they are with city ordinance stipulating that a homeowner cannot have more than three yard sales in a calendar year, cannot hold a yard sale for consecutive days, and can only sell their personal property. Councilor Staten asked if similar provisions could be made for lemonade stands if the seller secures a food handlers permit and Mr. Brooks said no because yard sales involve the sale of material goods but food stands involve the sale of consumables and even with a permit the health department would still need to monitor the conditions where food is being prepared. Councilor Mitchell commended Brielle for her entrepreneurial spirit and said he doesn't want to stifle businesses but the Council has a responsibility to act in the best interest of the city's 8,523 residents. According to Councilor Mitchell, every time an ordinance is amended it sets a precedent which could have negative unintended consequences in the future.

Mayor Searle said the two commercial areas Mr. Brown mentioned setting up a stand for hot chocolate sales would be in direct competition with Sinclair and Starbucks and Mr. Brown said he was investigating commercial locations because he was told by the city recorder that there was a moratorium on lemonade stands in residential zones. Mr. Brown said Ogden and South Weber are not as strict as Riverdale and Brielle may be forced to set up her business in one of those cities because Riverdale's vending cart standards will require a major financial investment. Mayor Searle said he would hate to see Riverdale police ticketing children for operating lemonade stands without licenses and Mr. Eggett said the city will be bound to enforce city ordinance if even one neighbor complains and he reminded the Browns that Brielle can sell lemonade or hot chocolate from a table with a vender's license at city sponsored events like Old Glory Days or the Youth City Council's Halloween Party. Mr. Brown asked about the process if his daughter wants to operate a vending cart and Mr. Eggett said because she is under age 16 she will need continuous adult supervision but he offered to assist the Browns in the site plan application which Mr. Eggett said will be subject to Planning Commission and City Council review.

City Administrator Rodger Worthen gave a report on the Riverdale Park Committee's January 8, 2015 meeting, thanking the committee members for their attendance and saying the body discussed retaining a consultant to help plan the future park. Mr. Worthen said some committee members came with ideas about what they would like to see built and he encouraged any members of the public that would like to have input on the future park to contact a park committee member and Councilor Ellis suggested that request also be included in a future newsletter article. Councilor Griffiths said he would like to see a bridge built to connect the new park to the trail located on the east side of the river and he will support any feature that encourages youth to unplug from their video games and interact with each other. Councilor Staten said he has heard concerns that the committee is hesitant to build any feature in the new park that will draw crowds like the splash pad because it turns a neighborhood park into a destination for nonresidents and he said he hopes the committee will consider playing fields. Mayor Searle said he would like to see an area dedicated to a farmers market and Councilor Ellis said the committee is looking for direction from a consultant before making any concrete decisions about the future of the planned park.

F. Consent Items

Mayor Searle asked for any changes to the January 6, 2015 Council meeting minutes and none were noted.

Mayor Searle asked for consideration of the reappointment of Steve Hilton and David Gailey to the Planning Commission for four year terms ending January 31, 2019. He thanked Commissioner Gailey who was present and Commissioner Hilton for their service and said he is glad they are willing to serve another term. Mr. Eggett said both commissioners provide good input and contribute to constructive conversations leading to good recommendations by the body to the City Council for their consideration.

Motion: Councilor Ellis moved to approve the consent items. Councilor Griffiths seconded the motion.

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

Call the Question: The motion passed unanimously.

G. Action Items

1. Consideration of Resolution 2015-1 awarding a bid for auditing services for Riverdale City following an RFP

Mayor Searle said the first action item is consideration of Resolution 2015-1 awarding a bid for auditing services for Riverdale City following an RFP. Business Administrator Lynn Fortie said he only received two bids to provide auditing services for Riverdale City after putting out an RFP on the regular five year schedule. He said his executive summary explains that both firms meet the requirements outlined in the RFP and the only differences are that Gilbert and Stewart are located in Provo and submitted a bid of \$33,750 and Christensen, Palmer and Ambrose are located in Ogden and submitted a bid of \$33,730, for five years of auditing services. Councilor Ellis asked if Riverdale City

has worked with either of these firms in the past and Mr. Fortie said the city has retained Christensen, Palmer and Ambrose for the past five years and has had several past non-consecutive contracts with the firm, which he said has been good to work with. Mayor Searle said there is only a \$20 difference between the two bids and Councilor Mitchell asked if Mr. Fortie believes the rates are competitive and Mr. Fortie said yes as both firm's bids are just slightly higher than the amount Riverdale paid for the last five years of service.

Motion: Councilor Staten moved to approve Resolution 2015-1 awarding a bid for five years of auditing services for Riverdale City to the low bidder Christensen, Palmer and Ambrose for \$33,730. Councilor Mitchell seconded the motion.

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

Roll Call Vote: Councilor Staten, aye; Councilor Griffiths, aye; Councilor Ellis, aye; and Councilor Mitchell, aye. The motion passed unanimously.

2. **Consideration of 3.53 acres of city owned property at address 3400 South Parker Drive**
 - a. **Consideration of Riverdale Risk Management Committee's recommendation to secure the property and prepare it for future development of a park**
 - b. **Consideration of setting a public hearing to discuss a proposed municipal boundary adjustment with Ogden City**

Mayor Searle said the second action item on the agenda is consideration of the Riverdale Risk Management Committee's recommendation to secure the recently purchased 3.53 acres of city owned property at address 3400 South Parker Drive property and prepare it for the future development of a park. Mr. Worthen said this land was purchased in December 2013 and is currently a wooded area with old farm equipment and dilapidated agricultural structures, a well and fencing materials that currently pose a hazard and need to be removed. According to Mr. Worthen, the former property owners initially asked for a grace period to remove some of the old equipment but the time allotted has expired and staff recently sent the Burch Family Trust written notification that they have until February 1, 2015 to remove anything they wish to retain before the city cleans up the property. Mr. Worthen said he walked the property with Mayor Searle and Public Works Director Shawn Douglas and they recommended to the Risk Management Committee that the city's liability be mitigated by removing the hazards and posting private property no trespassing signs. Mr. Worthen distributed images of the hazards and said it appears transients are living in the building and have constructed a cooking stove and are using straw for bedding which poses a fire hazard and a shallow well presents a water hazard. He shared an anecdote about a cyclist in Brigham City who was seriously injured and has long-term mental challenges following a bike accident in a canal. Mr. Worthen said this 3.53 acre parcel was purchased to provide an overflow parking lot and future park to connect to Riverdale's existing trail and the original intent was never for this land to be a

mountain biking trail but the Council can discuss this further at their Strategic Planning Meeting on February 7, 2015.

Mr. Brooks said Ogden City's Public Works Department contacted Mr. Douglas when they became aware of the bootleg mountain bike trail and obstacles incorporating in the old farm equipment on Riverdale and Ogden City land because they were concerned about liability. Mr. Brooks said he contacted Paul Johnson the Claims and Litigation Manager for Riverdale's liability insurance provider the Utah Risk Management Mutual Association and Mr. Johnson advised the city to close off the trail, post signage indicating that the land is private property and that trespassing is prohibited, and to remove the obvious hazards. According to Mr. Brooks, the proper role of cities is to provide essential services and not to sponsor bootleg mountain bike trails that are inherently dangerous and expose taxpayers to unnecessary liability and are only used by a small segment of Riverdale's 8,523 residents. He shared an anecdote about a child that broke his arm at a city's skate park which was properly engineered and signed but still cost the city \$20,000 to defend in court.

Mr. Douglas said he is not opposed to bike features in the city and has spent countless hours working with Riverdale's bike committee but he feels strongly that the well and the outbuilding need to be removed from this city land before someone is injured. Councilor Ellis asked about the cost of the cleanup and Mr. Douglas said he will try and use city equipment and public works employees so that the primary cost will be for disposal of the old building materials and equipment. Councilor Griffiths shared an anecdote about a tar pit hazard when he worked in Salt Lake and said he supports staff in removing the hazards on city property as soon as the weather permits and Mr. Douglas said with Council consensus the cleanup will begin immediately.

Mr. Worthen said he is also requesting authorization to set a public hearing to discuss a proposed municipal boundary adjustment with Ogden City so this land can be annexed into Riverdale.

Councilor Staten showed a YouTube video he created with a point of view camera of himself and another cyclist biking the bootleg trail he said has been named "The Shire" which was created by cyclists and made popular by social media. He said the trail has obstacles for intermediate cyclists and paths allowing beginners to bypass the hazards and he referenced a website where 90 riders including Ogden Mayor Mike Caldwell have posted their times for 600 rides. Councilor Staten said he respectfully disagrees with Mr. Brooks that cities shouldn't sponsor these amenities because they bring tourism to Utah and he cited two examples: Ogden's Bike Park and Park City's mountain bike trail network. Councilor Staten said he didn't sue Ogden City when he broke his collar bone on a feature at the Ogden Bike Park and he said there are risks associated with all city streets and amenities. Councilor Staten said he has books on trail design that indicate liability can be mitigated if trails are properly engineered and if there are options available for all skill levels. He said he recognizes the need to remove fence posts and wire, the wood spool, and the manure spreader to make The Shire Trail safer and said his son would like to be involved in improvements as part of his Eagle Scout Project. According to Councilor Staten, the Ogden Trails Network would like to see The Shire Trail preserved and improved and the Ogden Cycling Foundation has volunteered to

adopt and maintain the trail. He said there are many organizations that would be willing to partner with Riverdale and Ogden cities to fund the improvement of this mountain bike trail. Councilor Staten said he is opposed to unnecessary government intervention and he supported the removal of a rope swing in Riverdale last summer because the feature was on private property, the hole created by the damaged kayak park posed a legitimate hazard, and it was negatively impacting residences. He said The Shire Trail can be made safe with some minor modifications, could be improved and maintained at no cost to taxpayers, and doesn't impact any residences. Councilor Staten said the purpose of his presentation was to educate the Mayor and Council members about the possibilities of this recently acquired city property as a mountain biking trail that could tie into Riverdale's existing trail system. Councilor Ellis thanked Councilor Staten saying his presentation did an excellent job of educating the body about a possible use for this city property to create a destination feature to draw people to Riverdale. He said he would like to see the land developed into more than just a parking lot and Mayor Searle said the future of this property will be discussed further at the Strategic Planning meeting on February 7, 2015.

Councilor Mitchell asked if the city could mitigate liability by putting up signs warning cyclists that there are dangerous obstacles on the mountain bike trail and notifying them that if they proceed they will be riding at their own risk. Mr. Brooks said signs won't protect the city from lawsuits and if dangerous features have been identified they must be removed. He said if there is Council consensus to build a mountain bike trail then the city needs to hire a licensed firm to engineer it. Mr. Brooks asked if there is consensus to authorize Mr. Douglas to remove the well & building immediately, with the understanding that the old farm equipment on the mountain bike trail will remain until the future of the park can be discussed further at the upcoming strategic planning meeting. Councilor Staten agreed the well and fencing should be removed as soon as possible and said he would even support the removal of two of the obstacles and the city closing the trail temporarily until there is consensus about how to develop the property. He said the unique contour of the land makes this an ideal mountain bike trail even with the features removed.

Councilor Griffith said he did a search on the internet during Councilor Staten's presentation and found several Utah attorneys that represent cyclists and claim they can get large settlements in bicycle injury cases. He said now the Council has discussed these hazards in an open public meeting the city has a responsibility to close the trail, put up signage, and remove any hazards immediately. Councilor Griffiths said he isn't opposed to bike trails and he recognizes these features appeal to a certain segment of the population but the Council has a responsibility to act in best interest of the entire community and to secure city owned property. Mayor Searle asked for any additional questions or comments and none were noted.

Motion: Councilor Griffiths moved to approve the risk management committee's recommendation to secure the property and prepare it for future development of a park. Councilor Ellis seconded the motion.

Mayor Searle asked for discussion on the motion and Mr. Douglas asked for clear direction about what features his department is authorized to remove from the property

and Councilor Griffiths said that determination is at the discretion of the risk management committee. There was no additional discussion on the motion.

Roll Call Vote: Councilor Griffiths, aye; Councilor Ellis, aye; Councilor Mitchell, nay; and Councilor Staten, aye. The motion passed with three in favor and one opposed.

Motion: Councilor Mitchell moved to set a public hearing to discuss a proposed municipal boundary adjustment with Ogden City. Councilor Staten seconded the motion.

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

Call the Question: The motion passed unanimously.

H. Discretionary Items

Mayor Searle asked for any discretionary items and Councilor Staten thanked Riverdale Police for diffusing life threatening situations and said he wants to show his support for local law enforcement in the face of recent national criticism of police officers. Councilor Griffiths shared an anecdote where he said an officer would have been justified in using deadly force and he expressed gratitude for how the police diffused a dangerous situation, which he attributed to their good judgment and training. Chief Hansen thanked the Council for their support and for approving his department's training budget so that Riverdale police officers have the resources they need to do their jobs well.

Councilor Ellis thanked the public works department for their bank restoration work to repair the damage done during flooding in the spring of 2011 and for saving money by using city owned equipment and manpower instead of contracting the work out. Mayor Searle said he attended a Weber River Pathways meeting recently where there was a discussion about continuing uniform mileage markers from the mouth of Ogden Canyon to Weber Canyon. He asked if this could be an Eagle Scout project and Mr. Douglas said he has been working on this with Ogden City and the markers are already in his budget for 2015. There were no additional discretionary items noted.

I. Adjournment:

With no further business to come before the Council at this time, Councilor Staten moved to adjourn the meeting. Councilor Ellis seconded the motion. The motion passed unanimously.

The meeting adjourned at approximately 7:51 p.m.

Approved: February 17, 2015

Attest:

Norm Searle, Mayor

Ember Herrick, City Recorder