



**RIVERDALE CITY COUNCIL AGENDA  
CIVIC CENTER - 4600 S. WEBER RIVER DR.  
TUESDAY –APRIL 21, 2015**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **April 21, 2015** at 6:00 PM at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present: Rodger Worthen, City Administrator; Shawn Douglas, Public Works Director; Steve Brooks, City Attorney; Dave Hansen, Police Chief; Lynn Fortie, Business Administrator; Shawn Douglas, Public Works Director; Ember Herrick, City Recorder and 20 members of the public including James Ebert, Nathaniel Bectoldie, Caleb Christiansen, Chase Mitchell, Garritt Roberts, Cade Morris, Kaleb Coley, Cole Morris, Ryan Holley, Lorri Thurgood, Douglas Larsen, Lt. Curtis Lumas with the Utah Military Academy, Josh Hansen, Thatcher Eames, Baylen Jackson, Spencer Cobey, Jackson Toll, Mason Wade, David Leahy and Charles Kerkvliet.

**A. Welcome & Roll Call**

Mayor Searle called the meeting to order and welcomed all in attendance including all Council members. He had the senior leaders of Troop 187 and Pack 187 introduce their fellow scouts and leaders. Mayor Searle also welcomed members of the Utah Military Academy (UMA) and thanked them for assisting in “Take Pride in Riverdale” the city’s week long cleanup campaign.

**B. Pledge of Allegiance**

Lt. Curtis Lumas with UMA 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 and there were none.

**E. Presentations and Reports**

Mayor Searle said Riverdale’s BMX Bike Park construction has begun and Councilor Staten said 70 volunteers turned up for the first community dig day on March 18, 2015. According to

Councilor Staten, the beginner track has been created and compacted and is currently rideable and the second community dig day on March 25, 2015 will be used to create the intermediate track. He said two Eagle Scout projects to construct a fence and revegetate the area will help beautify the project before a grand opening scheduled for Friday, May 1, 2015 at 3:30 p.m. Councilor Staten thanked everyone who donated to the project and he invited the public to the next dig day and grand opening. He thanked Riverdale's Public Works employees for their efforts to assist volunteers in creating the park.

Mayor Searle said the city's spring cleanup has begun and Councilor Mitchell thanked 150 volunteers including UMA cadets and leaders and Riverdale's Public Works employees for their efforts to remove weeds on 300 West. Councilor Mitchell said local church and civic groups have signed up to participate in the "Most Improved Yard" contest on Saturday and he encouraged residents to clean up their own yards and assist their neighbors throughout the week.

City Administrator Rodger Worthen said department reports for the month of March were included in the packet and he noted the grand opening of the Golden-Spike Harley Davidson dealership on 1500 West and said the décor superstore At Home has announced their intention to renovate the former Macy's building with the intent to open by August 2015. He commended Community Development Director Michael Eggett for his efforts to bring new businesses to Riverdale including Advanced Auto Parts and Bravo Arts Academy,

Mr. Worthen said the March treasury report was also included in the packet and he noted sales tax revenues continue to steadily increase, while ambulance fees and fines continue to decrease. He recognized staff with anniversaries in April and referenced the staffing authorization report saying Riverdale is currently down 1.25 FTEs, which he said will change when seasonal help is hired.

#### **F. Consent Items**

Mayor Searle asked for any changes to the April 7, 2015 Council meeting minutes and none were noted.

**Motion:** Councilor Hunt moved to approve the consent items. Councilor Mitchell 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 2015-10 in support of HB 362 a Transportation Funding Initiative**

Mayor Searle said the fourth action item on the agenda is consideration of Resolution 2015-10 in support of HB 362 a Transportation Funding Initiative that passed in the final hours of the 2015 legislative session. He said this action item is being discussed first tonight in consideration of county employees' schedules who are in attendance. Mayor Searle said this transportation funding initiative has nearly unanimous support from Utah cities, towns, and counties because they are all being impacted by increasing road maintenance costs and decreasing Class C road funds as vehicles become more fuel efficient and more people utilize mass transit. According to Mayor Searle, many cities'

roads are in disrepair but there aren't funds available to do routine maintenance so they are deteriorating which will cost more over time because roads are more expensive to rebuild than to maintain. He said the local option will be on the November ballot and if it passes it will allow counties to levy a 25 cent tax on every \$100 purchase with 00.1 percent of the quarter sales tax increase going to the city where the sales occurred, 00.1 percent going to fund mass transit and the rest of the .05 percent going to Weber County. Mayor Searle said Weber County Commissioners want to be certain that all the cities are in favor of the quarter cent sales tax increase before the initiative is put on the ballot this November and Riverdale's Council can show support by passing Resolution 2015-10. He introduced Weber County Commissioner James Ebert and Douglas Larsen with Weber County's Economic Development Department. Mr. Larsen said the five cent gas tax increase isn't subject to voter consent but the sales tax increase is and it could benefit Riverdale City by generating an estimated \$46,000 annually. He said if voters support the local option sales tax initiative it will add an anticipated \$392,000 to the county's existing transportation budget annually.

Councilor Mitchell asked if the county and cities can use the sales tax funds to maintain their transportation budgets reallocating the money they had set aside for transportation to other projects and Mr. Larsen said cities cannot decrease their transportation budgets until June 2020. Councilor Hunt asked about mass transit and how it impacts air quality and Mr. Larsen said all counties and communities in Utah have unified transportation plans which include strategies to address air quality that can be implemented if this initiative passes. Mayor Searle said the gas tax portion can only be used on road projects but the sales tax funds can be used for alternative transportation projects like bike lane striping and buses. Councilor Mitchell said the Utah Transit Authority (UTA) has been criticized for the salaries it pays some high ranking employees while operating at a deficit and he would be more inclined to support this initiative without a UTA component. Mayor Searle said excluding UTA was something legislators refused to concede during negotiations about the bill and Mr. Larsen said individual cities like Riverdale can determine how their portion of the funds are spent. Councilor Hunt said Utah's air quality impacts the state's ability to develop in the future and he complained that Riverdale City subsidizes UTA \$3-4 million dollars a year and in his opinion doesn't receive an equitable return on their investment.

Councilor Mitchell asked how high the gas tax will go under HB 362 and Mr. Larsen said the state's current 24.5 cent gas tax will increase based on the cost of fuel. According to Mr. Larsen, the increase is expected to be five cents at the current price of fuel with a ceiling cap of 40 cents a gallon and Councilor Mitchell said that would be a 60 percent increase in the state's gas tax. Mr. Worthen said CNG vehicles will also see a fuel increase of eight cents per gallon. Mr. Larsen reminded the Council HB 362 has already passed and the gas tax increase isn't subject to voter consent, the transportation initiative proposed for the November ballot is solely to determine if an additional quarter sales tax will be allocated to participating cities and counties. Councilor Griffiths said the state's road infrastructure is crumbling and all Utahans have an interest in making sure that all forms of transportation can get from point A to point B. He said he supports this sales tax transportation funding initiative and wants the voters to have accurate information on the implications of it passing or failing so that they can make informed decisions.

Commissioner Ebert said Weber County officials want the unanimous support of all the cities in the county to address transportation issues.

**Motion:** Councilor Staten moved to approve Resolution 2015-10 in support of HB 362 a Transportation Funding Initiative. Councilor Griffiths seconded the motion.

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

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

2. a. **Consideration of the Planning Commission's recommendation for a proposed subdivision request for The Crossing at Mitchell Farms at address 785 W. 4450 S.**
- b. **Consideration Ordinance 866 approving a subdivision request for The Crossing at Mitchell Farms at address 785 W. 4450 S.**
- c. **Consideration of Resolution 2015-12 adopting a proposed conditional use permit for a Planned Residential Unit Development at The Crossing at Mitchell Farms at address 785 W. 4450 S.**

Mayor Searle said the next action item is consideration of Ordinance 866 a proposed subdivision request for The Crossing at Mitchell Farms at address 785 W. 4450 S. and Resolution 2015-12 adopting a proposed conditional use permit for a Planned Residential Unit Development (PRUD). Mr. Eggett said the Planning Commission unanimously recommended approval of the subdivision and PRUD requests following a public hearing and Lorri Thurgood with Forest Creek Construction is here to answer questions about the two acre parcel. Councilor Mitchell disclosed that this property was formerly owned by his family, preventing him from voting on the rezone request because he stood to benefit financially from the land sale. He asked City Attorney Steve Brooks if he could participate in the discussion and vote tonight now that the land is owned by a developer and Mr. Brooks said disclosing potential conflicts of interest is recommended and Council members aren't prohibited from voting, it is at their discretion.

Councilor Ellis asked if any PRUDs in Riverdale are similar in size and Mr. Eggett said Combe Farms and an East Bench development are both comparable PRUDs. Mr. Eggett said the city's new PRUD ordinance requires the developer to tie into city utilities and for the development's roads to be owned and maintained by Riverdale City. Mayor Searle asked who will be responsible for street snow removal and Mr. Eggett said it will be a city owned and maintained road. Mr. Eggett said an onsite retention basin will be designed to only spill over and impact the city's storm drains in a 100 year storm event. Councilor Hunt said he is glad the PRUD ordinance has been amended because there were problems with narrow roads and infrastructure problems when roads and utilities were privately maintained in the past and Mr. Eggett said everything but the storm drains will be taxed and maintained like other city properties.

Mayor Searle asked about the lot size of Combe Farms and Mr. Eggett said they are between 6,000 and 8,000 square foot lots. Councilor Staten asked if there will be an age requirement of who can live in this PRUD and Ms. Thurgood said no but these homes will likely appeal to empty nesters because they only have two bedrooms and no basements. She said the Home Owners Association (HOA) will be responsible for the upkeep of the front and side lawns and homeowners will maintain their own backyards. Councilor Ellis asked why the development is being called The Crossing at Mitchell Farms and Ms. Thurgood said The Crossing reference was due to proximity and the development is not affiliated with The Crossing owner Homer Cutrbus. Councilor Griffiths said he is impressed with the existing PRUDs in Riverdale and Ms. Thurgood said it is Forest Creek's intention to maintain the same high standards established in other Riverdale PRUDs.

**Motion:** Councilor Mitchell moved to approve Ordinance 866 a proposed subdivision request for The Crossing at Mitchell Farms at address 785 W. 4450 S. Councilor Hunt seconded the motion.

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

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

Mr. Eggett said the Planning Commission held the required public hearing on April 14, 2015 and no comments were received about the PRUD proposal prior to or during the hearing. He said the Planning Commission has forwarded a unanimous favorable recommendation for the Council's consideration and he asked for any questions or comments and none were noted.

**Motion:** Councilor Ellis moved to approve Resolution 2015-12 adopting a proposed conditional use permit for a Planned Residential Unit Development for The Crossing at Mitchell Farms at address 785 W. 4450 S. Councilor Hunt seconded the motion.

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

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

### **3. Consideration of Planning Commission's recommendations on Proposed Ordinance 865 a flood plain ordinance with FEMA amending RCC 10-27**

Mayor Searle said the next action item on the agenda is consideration of Ordinance 865 a flood plain ordinance with FEMA amending RCC 10-27. Mr. Eggett said he has worked closely with Utah Floodplain Manager John Crofts to amend Riverdale City Code (RCC) 10-27 Flood Damage Prevention to protect the interests of property owners that live in or own commercial businesses located in Riverdale's floodplain and make it possible for

them to continue to qualify for flood insurance. He said the Federal Emergency Management Agency (FEMA) has reviewed the proposed changes along with Mr. Brooks and both are satisfied with the proposed new language. Mr. Eggett said a new FEMA floodplain map is expected in June 2015 and it appears to benefit four or five homeowners that were in the floodplain and are now out of it. He said the largest commercial area that will be impacted by the new map is the land Riverdale recently purchased on River Park Drive for a new park. According to Mr. Eggett, JUB Consultants that are working with the Mayor's Park Committee are aware of the new flood plain issues. Mr. Eggett said the Planning Commission held the required public hearing on April 14, 2015 and no comments were received and the Planning Commission has forwarded a unanimous favorable recommendation for the Council's consideration tonight. Mayor Searle said Councilor Staten will send his questions posed during the work session of tonight's meeting to Mr. Eggett who will follow up with Mr. Crofts.

**Motion:** Councilor Hunt moved to approve Ordinance 865 a flood plain ordinance with FEMA amending RCC 10-27. Councilor Ellis seconded the motion.

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

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

#### **4. Consideration of Municipal Waste Water Annual Report Resolution 2015-11**

Mayor Searle said the final action item on the agenda is consideration of Riverdale's annual Municipal Waste Water Annual Report. Mr. Douglas said Riverdale City has a good waste water program in place and he didn't identify any problems or issues in this 2015 report. He asked for any questions and Councilor Mitchell said it appears the city passed again and Mr. Douglas explained there is only one area where he deducted points. Mr. Douglas assured the Council Riverdale does save money for waste water infrastructure but because it is classified differently than the report, he doesn't feel comfortable claiming a perfect score on the municipal waste water annual report.

**Motion:** Councilor Ellis moved to approve Resolution 2015-11 updating Riverdale's Municipal Waste Water Annual Report. Councilor Mitchell seconded the motion.

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

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

Mayor Searle suggested the Council adjourn into an RDA meeting at this time.

**Motion:** Councilor Staten moved to adjourn into an RDA meeting. Councilor Ellis seconded the motion.

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

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

**Motion:** Councilor Griffiths moved to adjourn out of the RDA meeting. Councilor Mitchell seconded the motion.

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

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

**The Council meeting adjourned into an RDA meeting at 7:02 p.m. and resumed at 7:11 p.m.**

Mayor Searle said the next item on the agenda is a proposed executive session.

**Executive Session (City Council Conference Room)**

Consideration of adjournment into Closed Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual pursuant to Utah Code 52-4-205(1)(a).

**Motion:** Councilor Hunt moved to recess into closed executive session for the purpose of discussing the character, professional competence, or physical or mental health of an individual pursuant to Utah Code 52-4-205(1)(a). Councilor Ellis seconded the motion.

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

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

**Motion:** Councilor Ellis moved to adjourn out of closed executive session for the purpose of discussing the character, professional competence, or physical or mental health of an individual pursuant to Utah Code 52-4-205(1)(a). Councilor Hunt seconded the motion.

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

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

**The Council meeting resumed at approximately 7:49 p.m.**

**Discretionary Items**

Mayor Searle asked for any discretionary items and Councilor Mitchell asked whether the city could create an email list of persons desiring to receive a city newsletter through

their personal email address to accommodate persons paying their utilities via Express Bill Pay that don't receive a paper newsletter in the mail. He also asked if staff would consider removing the no trespassing signs from the former Burch property. Councilor Hunt asked Riverdale's Code Enforcement Officer Randy Koger to follow up on a complaint about a resident who lives on South Weber Drive and is reportedly repairing and storing used vehicles. Mr. Worthen said he will follow up on these requests and complaints.

**H. Adjournment:**

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

The meeting adjourned at approximately 7:55 p.m.

Approved: May 5, 2015

Attest:

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Norm Searle, Mayor

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Ember Herrick, City Recorder