



**RIVERDALE CITY COUNCIL MEETING
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –MAY 19, 2015**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **May 19, 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; Mike Eggett Community Development Director and members of the public including, John Cypers, Isaac Bartolemei, Tracey Bartolemei and Vicky Barrett.

A. Welcome & Roll Call

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

B. Pledge of Allegiance

Chief Hansen led the Pledge of Allegiance.

C. Moment of Silence

Mayor Searle called for a moment of silence, 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. He asked that they take no more than three minutes. No members of the public addressed the council.

E. Presentations and Reports

Mayors report:

Mayor Searle had several items to report to the council:

The annual Memorial Day program will be held next Monday, May 25th at 9:00 AM.

This will be held in front of the Civic Center at the Veterans Memorial.

This morning Good Foundations charter school held a ground breaking for an addition of about 4000 sq. ft. of new space. They are very excited about this expansion and growth.

He also stated that the principal of the school expressed his appreciation for the recent lunch with the Mayor event that some of his students participated in.

Live fit program has been quite well attended. Last night Weber State cheerleaders and Waldo the Wildcat were there and it was vey enjoyable.

City Administration Report:

Mr. Worthen stated that he has been working with UTA on bus stop shelters in Riverdale. He has also been in contact with Ogden City discussing a boundary change agreement in regard to the Burch property area.

There were no questions or comments in regard to this report.

Employee Anniversary Recognition for May:

Vicky Barrett has been employed with the city thirty years. It was noted this is quite a milestone. She was given a certificate of recognition and a gift. She stated that she has enjoyed working here and the city has been very good to her. Other employee anniversaries noted were Shawn Douglas 24 years, Bonnie Jones 17 years, Abe Torres 9 years, Travis Gibson 4 years, and Jake Peterson 1 year.

Community Development Report:

Mr. Worthen also noted that the new At-Home retail store is expected to open in August. It will occupy the Macy's building which has been empty for some time. The city is excited to have this new business opening.

Advanced Auto Parts will take over the Nickelcade building in the near future

Bravo Arts Academy is moving along.

Riverdale Business Park has started building their second phase.

There were no comments or questions in regard to this report.

F. Consent Items

Mayor Searle noted that the consent items included consideration of setting two public hearings.

1. Adopt Certified Tax Rate, public hearing to be set June 16, 2015.
2. Declaring certain personal property as surplus to the needs of Riverdale City, public hearing to be set June 2, 2015.

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

Mayor Searle asked for discussion on the motion. Councilor Griffiths asked what certain personal property is, what classifies it? Mr. Worthen stated that it is anything the city owns or operates.

Call the Question: The motion passed unanimously.

G. Action Items for a parcel of land located at 4829

- 1. Consideration of Ordinance 868 approving a proposed Rezone request from A-1 to R-2, R-3, or R-4 for a parcel of land located at 4829 S 1700 W.**

Mr. Eggett was asked to review briefly this item. He stated that owners of this parcel are Cecil and Sheila Roberts, the property is approximately .52 acres and is currently zoned A-1. The Planning Commission held a public hearing on May 12, 2015 and the proposal to rezone was discussed. There was discussion by the public and the general attitude presented was to leave the zone alone or to go with the R-2 zone. It was noted that the property as currently zoned (A-1) cannot be developed in any manner. It was the unanimous decision of the Planning Commission to recommend the rezone request from

A-1 to R-2. The applicants and the family member who represented the owners at the meeting were made aware of the meeting this evening, however they are not present. Options before the council tonight are; table this matter to make sure the owners are aware before action is taken, approve the recommendation of the Planning Commission, approve a different zoning change, or not making any change and leave the property zone A-1. Councilor Ellis stated that he wanted it on the record that he participated in the public hearing. He did so as a private citizen. At the public hearing Charles Roberts stated that that his parents are requesting a rezone in order to allow some development so that they can sell the property. Councilor Griffiths stated that there is no representation from Robert's family this evening and in his opinion R-2 is a unique restrictive zone, he is uncomfortable with any action this evening would like to table issue.

Motion: Councilor Griffiths moved to table this item until there is some representation from the property owners at the meeting. Councilor Hunt seconded the motion.

Councilor Hunt feels that any action by the council on this item without representation from the property owners might be considered a taking so in his opinion it would be wise to table the matter. Mr. Eggett asked for clarification, does the council want the matter to be tabled until the next meeting or until the owners are contacted. It was clarified that it was to be tabled until the owners and applicants are notified and they give notice to the council of their desire to proceed with the rezone or not. Mayor Searle noted that the rezone could change the property tax rate. Councilor Griffiths just wants to be sure that the owners realize what the R-2 zone is because he feels there are some major restrictions with that zone.

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

Call the Question: The motion passed unanimously.

2. Consideration of Ordinance 867 approving changes to Title 8 Chapter 1 water use and service.

Mr. Douglas stated that this issue was talked about in strategic planning meeting. In his opinion it would be good to have these changes in place in the event that water restrictions are needed in the future. It would also be good for the mayor to have the authority to place restrictions on water usage if the need arises.

Councilor Mitchell is concerned about the portion of the ordinance talking about water waste being rather vague and he asked who would determine what wasteful use is. Mr. Douglas stated that this portion was kept vague for a reason. There are so many different scenarios that it would be impossible to cover them all. He noted that some people would rather pay the extra amount for water every month rather than fix the problem that is causing them to waste water. He doesn't want to be heavy handed but they do want to get problems fixed. Councilor Mitchell doesn't want neighbors policing neighbors. Mr. Douglas stated that already occurs; they receive calls all the time from people concerned about what they see in regard to wasting water. Currently he has nothing to back him up in correcting problems when he is made aware of them. Mayor Searle thinks that this is a

good change in the ordinance even if it is broad in nature. Councilor Staten noted that this is similar to the nuisance ordinance which can be somewhat subjective. But by having the ordinance it allows enforcement. Councilor Griffiths asked if there are currently problems that exist. Mr. Douglas stated that there are. They are harder to catch because of the manual reading of meters. It comes down to the meter reader noticing an excessively high reading one month. The public works department will then send out a letter offering to help the home owner determine if there is a leak inside their home. When the automated meter system is in place it will be much easier to flag problems more efficiently. Councilor Griffiths likes that the change will give the enforcement of restrictions more teeth. He also likes that the public works department is willing to go out and help the citizens resolve any problems they may have with water leaks.

Councilor Hunt hopes that if this ordinance is passed it will be enforced.

Mr. Douglas hopes that education of the public will take place first; he has no intention of being heavy handed. He just wants to solve the problem of those citizens who just don't care. Councilor Ellis asked how the city plans to inform the public of the change in the ordinance. It was noted that notices will go out on water bills, the newsletter, face book, and the website. Commercial businesses can also be a problem in wasteful use of water. Mr. Douglas stated that it will be more difficult to notify them due to their billing going to corporate offices etc. His department will work on a solution for that even if it comes down to flyers or letters with the new information being hand delivered. Mr. Douglas stated that water is cheap so people don't pay as much attention to the use as they should. He hopes that having this ordinance will help solve that problem.

Mayor Searle asked for a motion on Ordinance 867

Motion: Councilor Mitchell moved to approve changes to Title 8 Water and Sewer to add sections concerning the use of water for landscaping purposes with a change to the third section 8-1-13, removal of the first sentence. It shall be unlawful for any person to wastefully use water from hydrants, faucets, stops through basins, toilets, urinals, sinks other appliances, sprinkler systems, leaky joints, pipes, or to use the water for purposes other than for those which he/she has paid. Councilor Griffiths seconded the motion.

Mayor Searle asked for discussion on the motion.

Councilor Staten asked Mr. Brooks if the motion is not passed can they then make another motion. He was told yes.

Councilor Mitchell suggested that the first sentence be replaced with "wasteful use of water for irrigation".

He likes the next sentence. All users of water service shall be required to keep their sprinklers, faucets, valves, hoses, and all apparatus connected to the water system in good condition at their own expense and all waterways closed when not in use.

Councilor Griffiths does not like the word "irrigation water" as some residents actually own water shares and water rights that do not belong to the city. Councilor Ellis suggested using the word "culinary water". Councilor Griffiths asked what if the waste is from inside the home such as a leaking toilet. Mr. Douglas stated that many of the leaks are not from sprinklers but internal as a leaking toilet or a bad water softener. If you only address outside water problems in this ordinance it will be difficult to correct problems that

exist inside homes. This change would give the public works department the teeth to have the homeowner get the problem repaired.

Councilor Staten stated that he is generally opposed to over- reaching of government, but in this instance it is not the case. This is about a service provided by the city. The city should have the right to enforce the use of this service. The city does not have a history of being arbitrary in enforcing ordinances and he feels that the broad language gives the staff the tools to enforce the rules of this service.

Mayor Searle asked for a vote on the first motion to take a portion of section 8-1-13 out of the ordinance.

Call the Question: The motion failed 4 nay to 1 aye with Councilor Mitchell voting aye.

Motion: Councilor Griffiths moved to approve the Consideration of Ordinance 867 approving changes to Title 8 Chapter 1 water use and service as presented. Councilor Ellis seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed 4 ayes to 1 nay with Councilor Mitchell voting nay.

Mayor Searle feels that this is a beneficial ordinance for the city. The city will be under the gun to respond quickly and responsibility. Public Works will be diligent in trying to solve problems without being heavy handed.

Discretionary Items:

Councilor Ellis asked about a property on Parker Dr. near River Valley Dr. It appears that someone keeps trying to put a driveway in and then they will block it with large rocks. He is just curious as to what is going on. Mr. Douglas stated that there is an empty lot that someone would love to build on but there are a lot of utility hook up problems that make it too expensive to develop. They keep trying to do something but they would need to purchase an easement through someone else's property for the utilities which makes the cost of development just too high.

Councilor Mitchell stated that on the way home the other night when it was raining very hard he saw one of our police officers helping a lady change her tire. He stated that was just nice to see and wanted Chief Hansen to be aware of the action of his officer. He believes that it was Officer Geilmann.

Mayor Searle would like to set up a tour of the Central Weber Sewer plant for those council members that are interested. Several different days were discussed and it was decided that he would look into a Friday afternoon sometime in June.

H. Adjournment:

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

The meeting adjourned at approximately 7:05

Approved: June 2, 2015

Attest:

Norm Searle, Mayor

Lynette Limburg,
Acting Deputy Recorder