

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, February 21, 2017, at 6:06 PM, at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

**Present:**

City Council:

Norm Searle, Mayor  
Braden Mitchell, Councilor  
Brent Ellis, Councilor  
Gary E. Griffiths, Councilor  
Alan Arnold, Councilor-Participated Electronically  
Cody Hansen, Councilor

City Employees:

Rodger Worthen, City Administrator  
Steve Brooks, City Attorney  
Shawn Douglas, Public Works Director  
Scott Brenkman, Police Chief  
Jared Sholly, Fire Chief  
Rich Taylor, Community Services Director  
Mike Eggett, Community Development  
Jackie Manning, City Recorder

Excused:

Visitors:

Teresa Knight	Joseph Thompson	Leon Poulsen
Troy Cutrbus	Gary Boatright Jr.	Richard Pfaff
Dave Pierson		

**A. Welcome and Roll Call**

Mayor Searle called the meeting to order and welcomed all in attendance, including all Council Members and all members of the public. It was noted Councilor Arnold participated electronically.

**B. Pledge of Allegiance**

Mayor Searle invited Councilor Mitchell to lead the Pledge of Allegiance.

**C. Moment of Silence**

Mayor Searle called for a moment of silence and asked everyone to remember our police officers, fire fighters, U.S. Military service members, and members of the City Council as they make decisions this evening.

**D. Open Communications**

Mayor Searle invited any member of the public with questions or concerns to address the Council and asked that they keep their comments to approximately three minutes.

Alexa Henry, Washington Terrace Resident, and Amanda Mammott, South Ogden City Resident, stated they are Senior Class Officers at Bonneville High School. They thanked the City Council for their prior donations which assists Bonneville High School in throwing a Senior School Party. She asked if the Council would consider donating for this years senior class party. Mayor Searle stated they are planning on donating again. He thanked them for their time.

**E. Presentations and Reports**

**1. Mayors Report**

Mayor Searle reminded the Council members of the upcoming Strategic Planning Meeting which will take place on Saturday, February 25, 2017, at the Riverdale Senior Center beginning at 8:00 AM. He noted City Staff will also be in attendance. This meeting is open to the public.

**a. Youth Council Report**

Mayor Searle invited the youth council to report. Megan Carey and Wendy Hone, discussed their first activity that occurred at the legislative session. They did a Valentine's themed activity where they provided cards and cookies to elementary students for decorating (in Riverdale and surrounding city schools). The next activity is the annual Easter Egg Hunt.

**2. City Administration Report**

Rodger Worthen referred to the department reports as seen in the packet and specifically thanked Stacey Comeau, the Human Resource Director. He discussed her various job responsibilities. He also commended the thoroughness of Cody Cardon, the Business Administrator.

The 2005 staffing authorization plan is still below the amount of allotted employees allowed per the plan. Mr. Worthen commented on the increase in sales tax revenue in comparison to the previous year.

Councilor Hansen liked the new layout of the finance report and felt it was more user friendly. Councilor Hansen asked about Mr. Douglas's efforts in establishing a new well location. Mr. Douglas stated there are two sites being considered, and he is comparing to see which site would be the best fit for the City.

**F. Consent Items**

**1. Consideration of Planning Commission Appointment to serve a 4-year term from February 2017 to January 2021.**

Mayor Searle stated this appointment will be to replace Michael Roubinet whose term recently expired. Mr. Roubinet did not renew his term because he will be continuing his education. Gary Boatright Junior will be the new Planning Commissioner, pending the Council's approval. Mayor Searle provided a brief introduction for Gary Boatright.

**MOTION:** Councilor Ellis made a motion to approve the consent item, appointment of Gary Boatright Jr. as the new Planning Commissioner to serve a 4 year term beginning February 2017 to January 2021. Councilor Mitchell seconded the motion, and all voted in favor of the appointment.

**G. Action Items**

**1. Consideration of Resolution 2017-02, Designating Previously Unnamed Ground Located at 4400 South and Parker Drive as the New "Lions Centennial Park".**

Rodger Worthen, the City Administrator, summarized the executive summary which explained:

The City recently established via the budget a minor capital improvement project to install improvements to the open area at 4400 South and Parker Drive. Some of these improvements were initiated as part of the pedestrian bridge project; now that spring is approaching the Public Works staff would like to complete the installation of the drinking fountain and a small picnic table. As part of this endeavor the City's Lions Club has offered to assist with the cost of these improvements. Mayor Searle and Councilor Ellis, along with staff, met with the Lions Club to review their ideas for participation consisting of financial assistance and some visible recognition of this donation. During the meeting it was discussed that the area lacks proper identification; with the help of the Lion Club several ideas were discussed on a potential name of the area. It was agreed and recommended that we should name the area "Lions Centennial Park." This resolution will identify the open space area and acknowledges the support the City has received from the civic club over the 100 years of their presence in Riverdale City.

By naming the park, the City ensures that parks or recreational areas are easily identified and located. In addition the name of this area creates a sense of community and is timeless recognition for the efforts of the City's Lions Club that does not diminish in appropriateness. The staff would like to propose the open space area be named by resolution of the Council "Lions Centennial Park." This name recognizes the significant contributions of the Riverdale Lions Club to our community.

As part of this open space enhancement the Lions Club will place a marker (Engraved Rock) identifying the small park area and recognize their contributions to the City.

Joseph Thompson and Teresa Knight discussed the history of the Riverdale Lion's Club and the various contributions made to the City.

Councilor Mitchell and Councilor Ellis expressed this park would be well received by the residents.

**MOTION:** Councilor Ellis made a motion to approve Resolution 2017-02, designating previously unnamed ground located at 4400 South and Parker Drive as the new "Lion's Centennial Park." Councilor Hansen seconded the motion.

Mayor Searle invited discussion regarding the motion. There was not a discussion.

**ROLL CALL VOTE:** Councilor Hansen, Griffiths, Ellis, Mitchell, and Arnold all voted in favor of Resolution 2017-02. The motion passed unanimously in favor.

Mayor Searle recognized Leon Poulsen who was in attendance. Mr. Poulsen was the prior Riverdale City Mayor, who

served a total of 16 years. Mayor Searle discussed the various service projects performed by the Lion's Club.

**2. Consideration of approval for the Cutrubus Kia updated Site Plan Amendment, located approximately 770 West Riverdale Road, Riverdale, Utah 84405**

Mike Eggett, Community Development, summarized an executive summary in the packet which explained:

H&P Investments, LLC, as represented by Troy Cutrubus, has applied for an update to their Amended Site Plan review of the Wasatch Front Kia located at approximately 770 West Riverdale Road in a Regional Commercial (C-3) zone. This original site has been operating as the Cutrubus Cadillac car dealership and vehicle servicing location. This matter was reviewed by the Planning Commission on February 14, 2016, and the Planning Commission supported a motion to send a favorable recommendation to the City Council for Amended Site Plan approval of the Wasatch Front Kia dealership with the understanding that the applicant resolve all outstanding staff concerns. Since that meeting, the applicant has worked to resolve outstanding staff concerns and issues for this proposed Site Plan Amendment. The property is currently owned by H&P Investments, LLC. A public hearing is not required to consider this Site Plan proposal. Following the presentation and discussion of the proposal, the City Council may make a motion to approve the updated Wasatch Front Kia amended site plan proposal, approve the update to the proposed amended site plan with any requested modifications/amendments, not approve the updated Wasatch Front Kia amended site plan, or table the matter to allow time for the applicant to resolve outstanding concerns.

**Title 10 Ordinance Guidelines (Code Reference)**

This Amended Site Plan review is regulated under City Code 10-25 "Development in All Zones", and is affected by City Codes 10-10A "Commercial Zones (C-1, C-2, C-3)", 10-14 "Regulations Applicable to All Zones", 10-15 "Parking, Loading Space; Vehicle Traffic and Access", 10-16 "Sign Regulations", and other regulations found in Title 8 "Water and Sewer".

The proposed development parcel is located at approximately 770 West in the recent Cutrubus Cadillac dealership location on property currently owned by H&P Investments, LLC. The desired use of this property, as a Kia automobile dealership and servicing facility, would allow this refurbishment project to be developed on this site.

Attached with this executive summary is a document entitled "Amended Site Plan Review – Cutrubus Wasatch Front Kia"; this is a supplementary document addressing items of note or concern as identified on the Amended Site Plan application review. Also attached, following this executive summary, are comments from the Public Works Director, the Fire Chief, the Police Chief, and contracted City Engineer. The City Council should discuss any concerns raised by these summaries.

In addition to the Amended Site Plan documentation, there is an updated interior building design and layout, a packet of the updated amended site plan drawings (as updated on February 14, 2017), and a Wasatch Front Kia Design Guide packet illustrating required updated styles and design elements for the updates to the Cutrubus Cadillac building and site area.

Signage for the site is regulated per City Code 10-16 (specifically section 8. (B.) for Commercial and Manufacturing Districts); the applicant should be directed to adhere to this Code when contemplating updated or new signage.

**General Plan Guidance (Section Reference)**

The General Plan use for this area is currently set as "Planned Commercial - High" and this proposed project would comply with this land use.

Mr. Worthen discussed various options for the applicant in lieu of placing the sidewalk, such as: sidewalk deferral agreement, escrow bond, or a performance bond. Mr. Worthen described the area as it exists today and noted the area currently has asphalt and there is no connection point to the east or west for the anticipated sidewalk to connect to. The applicant has expressed they would like to wait to install the sidewalk when they develop the western portion of the property.

Troy Cutrubus, representative of H&P Investment, expressed concern regarding the sidewalk installation. He felt to spend money to put in a sidewalk that may be potentially removed for future developments was unreasonable.

There was a discussion regarding the existing asphalt and whether or not it could meet the sidewalk requirement. Steve Brooks, the City Attorney, determined it would not meet the Riverdale City Code. Mr. Brooks felt the performance bond option would meet the ordinance and allow the applicant additional time frame (two years) to install the sidewalk, in lieu of installing the sidewalk immediately.

Mr. Cutrubus stated his family has been in the City for 50 years and discussed the various businesses they owned throughout the city. He asked for reasonability when the Council considers the sidewalk installation. Mr. Brooks discussed the Riverdale Code in relation to consistency and setting a precedent for all developers.

There was a discussion regarding the performance bond agreement in lieu of installing the sidewalk. Councilor Arnold spoke in favor of the performance bond. Councilor Hansen discussed other developers who were compelled to follow the

Riverdale City Code, including Brook Haven, which also has a sidewalk that doesn't lead to a specific destination. Councilor Griffiths felt an escrow bond would allow more time for the applicant. Mr. Cutrubus stated timing and money would be a factor for them.

There was a brief discussion regarding past projects by the Cutrubus family with an emphasis regarding past agreements and the economy at the time of development. Mr. Cutrubus felt this application should stand on its own without regard to past projects.

Mayor Searle discussed all the good the Cutrubus family has done for Riverdale City, and expressed the importance of following the ordinance. Councilor Griffiths asked Mr. Cutrubus if tabling could be an option to allow staff additional time to work with the applicants to arrive at a resolution. Mr. Cutrubus felt a better solution would be to approve the project with the stipulation that the applicant works with City Staff in finding a resolution regarding the sidewalk.

Councilor Ellis expressed the importance of working with applicants, while meeting the requirements of the code. Councilor Mitchell stated he would rather wait until the agreement has been worked out, to ensure the Riverdale Code is being followed. Councilor Hansen echoed Councilor Mitchells comments. Councilor Arnold felt the best approach would be to approve the application tonight with a contingency that the applicant works with staff to resolve the sidewalk issue. Mr. Worthen asked the applicant if tabling this item would impact him. Mr. Cutrubus stated Kord has been working with Kia directly, so he was unsure of the impact. He'd rather have the item approved with the stipulation they work it out with city staff.

Mr. Worthen asked about the option of approving the item and then appointing a member of the Council to approve the final solution. After discussion between staff and Council it was determined that this item was better approved with the body as an entire Council.

**MOTION:** Councilor Hansen made a motion to table the discussion until the outstanding issues are resolved. Councilor Mitchell seconded the motion.

Mayor Searle invited discussion regarding the motion and there was none.

**CALL THE QUESTION:** Councilor Mitchell and Hansen voted in favor of tabling. Councilor Ellis, Griffiths, and Arnold voted in opposition of tabling. The motion did not pass.

Mayor Searle called for additional discussion or a new motion.

**MOTION:** Councilor Griffiths made a motion to approve the Cutrubus Kia updated Site Plan Amendment, located approximately 770 West Riverdale Road, Riverdale, Utah 84405, with the stipulation that the City Administrator or a City Councilor oversee the Escrow Agreement or Performance Bond Agreement for the sidewalk, upon mutual agreement with the applicant. Councilor Ellis seconded the motion.

Councilor Hansen asked if the motion should include the name of the person overseeing the agreement. There was a discussion regarding who the appropriate person would be to oversee the agreement. Councilor Mitchell and Councilor Hansen expressed they would rather the entire Council be the approving body in reviewing the agreement, versus one appointed member. Mr. Worthen asked for the possibility of conducting a Special Council Meeting as a compromise.

**MOTION AMENDMENT:** There was a clarification regarding the previous motion, Councilor Griffiths amended the motion to stipulate that the Mayor oversees the solution to the sidewalk. Councilor Ellis seconded the amended motion.

There was additional discussion regarding the motion. Councilor Arnold advised against this motion as it did not specifically stipulate an escrow or performance bond agreement. As such, he felt it wouldn't meet the code. Councilor Griffiths clarified the intent of the motion was for the Mayor to oversee the sidewalk resolution which would include an escrow agreement. Councilor Ellis seconded the clarification of the motion. Mayor Searle stated he was unsure how this could be approved without an official agreement already in place. Mr. Worthen stated he liked the idea of letting staff work with the applicant and finding a resolution, and then hold a Special City Council Meeting to present the option to the City Council as a whole. He felt this would address the timing restraints of the applicant, as well as allow the City Council to review the resolution as an entire body.

**ROLL CALL VOTE:** Councilor Ellis, Mitchell, and Hansen voted in opposition. Councilor Arnold and Griffiths voted in favor. The motion did not pass.

Mayor Searle called for additional discussion or a new motion.

**MOTION:** Councilor Hansen made a motion to table the discussion, to allow staff and the applicant time to find a clear resolution to the sidewalk issue, at which point a Special City Council Meeting could be held. Councilor Mitchell seconded the motion.

Mayor Searle invited discussion regarding this motion and there was none.

**ROLL CALL VOTE:** Councilor Mitchell, Arnold, Hansen, Griffiths and Ellis all voted in favor. The motion passed unanimously.

**H. Discretionary Items**

Councilor Mitchell asked the public works director what the best approach for replacing broken recycling cans. Mr. Douglas stated the cans are covered under warranty and encouraged the council and any residents with issues to contact the City.

Councilor Mitchell informed the police chief that there have been some egging vandalism within his neighborhood. Police Chief Brenkman encouraged the Council and City residents to report any occurrences, because without a report there is no record of a crime.

Councilor Mitchell noted the formatting for the fire inspection and code enforcement was off.

Councilor Hansen asked for more information regarding the publication for the rezone request. Mr. Eggett stated the applicant, Doug Clark, is wanting to rezone the area for the purpose of putting a multiple family 4-plex. Mr. Eggett referred to the City Website for additional information.

Councilor Hansen stated he was approached by a resident regarding 4400 South regarding a prior study for a potential cross-walk. Mr. Worthen stated he was unsure of when the study was conducted, but believed it to be approximately 5 years ago. It is not currently an item being reviewed.

There was a discussion regarding cross-walks with an emphasis on criteria to establish a need. There was a discussion regarding the use of LED flashing cross lights as well as the pros and cons of the orange crossing flags. It was determined to discuss cross-walks at the Strategic Planning Meeting. Mr. Douglas re-emphasized the need to establish criteria to determine areas that need cross-walks.

**I. Adjournment.**

**MOTION:** Having no further business to discuss, Councilor Mitchell made a motion to adjourn. The motion was seconded by Councilor Ellis; all voted in favor. The meeting was adjourned at 7: 38 PM

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Norm Searle, Mayor

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Jackie Manning, City Recorder

Date Approved: **March 7, 2017**