

s Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, July 5, 2017, at 6:00 p.m., at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present:

City Council:

Norm Searle, Mayor
Braden Mitchell, Councilmember
Brent Ellis, Councilmember
Gary E. Griffiths, Councilmember
Alan Arnold, Councilmember
Cody Hansen, Councilmember

City Employees:

Rodger Worthen, City Administrator
Steve Brooks, City Attorney
Stacey Comeau, Human Resources
Scott Brenkman, Police Chief
Mike Eggett, Community Development
Jackie Manning, City Recorder

Excused:

Visitors:

Delyn Yeates	Matt Yeates	Charles Kerkvliet
David Leahy	Lurae Stanger	Lenna Wheeler
G. Lynn Wheeler		

A. Welcome & Roll Call

The City Council meeting began at 6:00 p.m. Mayor Searle called the meeting to order and welcomed all in attendance, including all Council Members and all members of the public. Mayor Searle reminded the members of the audience to sign in.

B. Pledge of Allegiance

Mayor Searle invited Councilmember 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.

Mayor Searle discussed the celebration of Independence Day and Riverdale City's Old Glory Days. He quoted Ezra Taft Benson, the previous Secretary of Agriculture, "...freedom must be continually guarded as something more priceless than life itself."

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. There were no comments.

E. Presentations and Reports

1. Mayors Report

Mayor Searle announced the upcoming ribbon cutting for the newly opened business Tuesday Morning, which will occur on Friday at 9:30 a.m. The public and members of Council are invited to attend this event.

Mayor Searle commented on a local fire which affected a few residents on the east bench of Riverdale City.

Mayor Searle discussed his attendance of the oath of citizenship ceremony which takes place in Salt Lake City.

2. Council Reports

Councilmember Ellis expressed appreciation to staff member Chris Stone in placing the mosquito abatement article in the City Newsletter.

Consent Items

- 1. Review and consideration of approval for meeting minutes held on June 20, 2017 for the City Council, work session and regular meeting.**

Mayor Searle invited any corrections or comments for the City Council Meeting held on June 20, 2017 for the work session and regular meeting minutes. There were no changes or comments.

2. Consideration to set a public hearing on July 18, 2017 to receive and consider comments regarding declaring property as surplus via bid process, property located at approximately 1500 West Ritter Drive, Riverdale, Utah 84405.

Mayor Searle explained a public hearing is necessary to surplus this property. There were no comments or questions regarding this item.

MOTION: Councilmember Mitchell moved to approve the consent items as proposed. Councilmember Ellis seconded the motion. There was not any discussion regarding this motion. The motion passed unanimously in favor.

F. Action Items

1. Consideration of Resolution 2017-14, Multiple Amendments to the Riverdale City Personnel Policies and Procedures Handbook.

Stacey Comeau, in Human Resources, summarized the executive summary which explained: These policy amendments are proposed in order to comply with OSHA's (Occupational Safety and Health Administration) final rule amending federal law 29 C.F.R. 1904.34.

Councilmember Arnold explained this is a federal law and as such the Council must comply.

MOTION: Councilmember Arnold moved to approved Resolution 2017-14, multiple amendments to the Riverdale City Personnel Policies and Procedures Handbook. Councilmember Griffiths seconded the motion.

There was no discussion regarding this motion.

ROLL CALL VOTE: Councilmembers Ellis, Mitchell, Arnold, Hansen and Griffiths all voted in favor of Resolution 2017-14.

2. Consideration of awarding bid to Post Asphalt Paving & Construction for the 2017 Roadway Maintenance Project(s) in the amount of \$546,386.00.

Shawn Douglas, the Public Works Director, summarized the executive summary which explained:

On June 28th the City conducted a bid opening for 2017 Street Projects. There are numerous projects in the bid including street overlays, chip seals, curb and gutter replacement, trail replacement and trail construction. There were three bidders on the project. Post Asphalt Paving & Construction was the low bidder in the amount of \$546,386.00. Funding for these projects will be class c road funds and local option funds. Mr. Douglas recommended approval.

MOTION: Councilmember Hansen moved to award the bid to Post Asphalt Paving & Construction for the 2017 Roadway Maintenance Project(s), in the amount of \$546,386. Councilmember Arnold seconded the motion.

There was no discussion regarding this motion.

ROLL CALL VOTE: Councilmembers Mitchell, Arnold, Hansen, Griffiths and Ellis all voted in favor of the bid award.

3. Consideration of a second Site Plan Amendment for Riverdale Assisted Living Center, site located approximately 1580 West Ritter Drive, Riverdale, Utah 84405, requested by Riverdale Living, LLC (Delyn and Josh Yeates).

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

Riverdale Living, LLC, as represented by Delyn and Josh Yeates, has applied for a Second Amended Site Plan review of the Riverdale Assisted Living Center at approximately 1580 West Ritter Drive in an Agricultural (A-1) zone. The original site plan was previously approved by the Riverdale City Council on August 2, 2011, updated on September 20, 2011, then known as Aunt Nancy's Assisted Living Center, and was planned to be developed in two phases. An amended site plan was again approved for the Riverdale Assisted Living Center on July 5, 2016 for the project proposal (which included a development agreement that has been executed between the applicant and the City). Additionally, a previous agreement was made with the developers that a rezone process to change the zoning to Low Impact Transition

Overlay (LIT) Zone would occur once construction on the project has commenced. As part of this site plan approval process, a subdivision plat was created for the site and was anticipated to be recorded with the County. Unfortunately, the plat was never recorded and is provided following this document as part of this consideration approval process.

The project is being proposed for development on property currently owned by Riverdale Living, LLC. A public hearing is not required to consider this Site Plan proposal. The Second Amended Site Plan proposal is now before the City Council because the applicants have prepared an updated building plan that changed the overall footprint of the building in a way that is now configured differently than previously approved by the City Council in July 2016.

On June 13, 2017, the Planning Commission discussed the Second Amendment to the Site Plan proposal and recommended City Council approval of the Second Amended Site Plan proposal and subdivision plat update for the Riverdale Assisted Living Center, with the stipulation that all outstanding concerns be addressed before the item is set on a future City Council agenda. The outstanding staff concerns have been now been addressed and there are now no further concerns from staff regarding the updated plan and plat amendment.

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 10-8 "Agricultural Zones (A-1, A-2)", 10-13D "Low-Impact Transition Overlay Zone (which is identified incorrectly in the Code as C-L, should be LIT)", "10-14 "Regulations Applicable to All Zones", 10-15 "Parking, Loading Space; Vehicle Traffic and Access", and 10-16 "Sign Regulations".

The proposed development parcel is located at the west end of Ritter Drive on property currently owned by Riverdale Living, LLC. The property is in an A-1 zone and the desired use of this property, per federal housing standards, would be allowed for this project to be developed on this site. Per the applicant, the desired use is assisted living care facility and ancillary services to the facility.

Attached with this executive summary is a document entitled "Second Amendment to Site Plan Review – Riverdale Assisted Living Center (old Aunt Nancy's)"; this is a supplementary document addressing items on the Site Plan application document. Also attached, following this executive summary, are comments from the Public Works Director, the Fire Chief, the Police Chief, the City Administrator, and contracted City Engineer.

In addition to the Amended Site Plan documentation, there is proposed elevation drawings and the updated engineer's cost estimate.

Signage for the site is regulated per City Code 10-16 (specifically section 8 (A) for Residential Districts); the applicant will need to adhere to this Code when contemplating signage.

General Plan Guidance (Section Reference)

The General Plan use for this area is currently set as "Residential – Low Density" and this proposed project is not in agreement with this land use; however, rezoning for the site will make the use more conducive to the parcel, based upon a rezone to LIT that is expected to occur in the future.

Councilmember Arnold discussed the egress/entrance as listed on the site plan. He felt the egress location posed as a visibility issue, and expressed during the winter road conditions are hazardous in that area. Councilmember Arnold felt a rezone needed to occur before this site plan was approved, because assisted living facilities was not an approved land use listed in the A-1 zone.

Rodger Worthen, the City Administrator, explained the U.S. Department of Housing and Urban Development (HUD) laws protect assisted living facilities, allowing them in any zone. Mr. Worthen urged caution to the City Council in denying this project, as the applicant is already vested by prior city approvals. Mr. Worthen discussed the differences in administrative decisions versus legislative decisions and discussed the different rules which apply to each.

Steve Brooks, the City Attorney, agreed with Mr. Worthen. Mr. Brooks explained when this project first appeared before the City Council in 2011 the applicant at that time had difficulty in acquiring financing, which is why the Council had made the agreement to begin the rezone process after construction had commenced.

Delyn Yeates, the applicant, discussed the entrance on the site plan and explained it was developed by an engineer with the purpose to optimize visibility. Mr. Yeates stated he wanted to move forward with the rezone. He discussed the difficulty of obtaining funding with the current A-1 zone.

There was a discussion regarding the rezone and the existing developer's agreement between Delyn Yeates and Riverdale City. Councilmember Arnold discussed the option of amending the developer's agreement to allow a rezone process to occur. Mr. Eggett explained the rezone process.

MOTION: Councilmember Ellis moved to approve the second Site Plan Amendment for Riverdale Assisted Living Center, site located approximately 1580 West Ritter Drive, Riverdale,

Utah 84405, requested by Riverdale Living, LLC (Delyn and Josh Yeates).
Councilmember Hansen seconded the motion.

There was no discussion regarding this motion.

CALL THE QUESTION: Councilmembers Hansen, Griffiths, Ellis and Mitchell all voted in favor of the motion.
Councilmember Arnold voted in opposition. The motion carried with a majority vote.

4. Consideration of Ordinance 891, rezone request from Josh Yeates, regarding property owned by L. Leon Poulsen Trust, property located approximately 1526 West Ritter Drive, Riverdale, Utah 84405, zone change from A-1 (Agricultural) to LIT (Low-Impact Transition Overlay).

Mr. Eggett summarized the executive summary which explained:

Josh Yeates, the petitioner in this matter, is requesting a rezone of three properties located at approximately 1526 and 1528 West Ritter Drive from the current Agricultural (A-1) zone to a proposed Low-Impact Transition Overlay (LIT) zoning to allow for potential future development opportunities for these properties. This request is for approximately 1.92 acres of land that would be affected by the proposed rezone request (see the attached zoning map document for more information).

As required by State Code, a public hearing was noticed (per Code requirements) and thereafter held during the June 27, 2017 Planning Commission meeting, to receive and consider public comment on the proposed amendment to the zoning map. At the conclusion of the public hearing and following conversation by the Planning Commission, a motion was supported by the Commission to recommend City Council approval of the rezone request for the LIT zoning change. Following review and discussion of this matter, the City Council may act to: approve the rezone request, approve the request with amendments, table the request, or not approve the rezone request based upon sufficient findings of fact to support the decision.

Title 10 Ordinance Guidelines (Code Reference)

This rezone request is regulated under City Code 10-5 "Rezone Requests" and is affected by City Codes 10-8 "Agricultural Zones (A-1)" and 10-13D. "Low-Impact Transition Overlay Zone (LIT, misrepresented in the Code as C-L)".

The petitioner's properties are listed in the County Records under the ownership of L. Leon Poulsen Trust ½ etal. The Poulsen Trust properties are being utilized as two residential and agricultural use properties and have been operating in this fashion for many years. At this time, the agricultural zoning is compatible with the current use on the site.

Josh Yeates and Delyn Yeates have entered into a purchase agreement with the Poulsens for the properties affected by this petition. Josh and Delyn Yeates have indicated that the group's intent for the properties is to potentially develop the properties for an assisted living facility, an independent living senior facility, or a hybrid of assisted living and independent living senior facility that could be accessible from Ritter Drive and likely connected to the already approved Riverdale Assisted Living Center just west of these properties.

The appropriate application and supporting documentation have been submitted and provided to the Planning Commission and City Council for review (please see attached documentation and maps for more).

This request for rezone is not in agreement with the General Plan for this location as this property is recommended in the General Plan Land Use section to be Residential – Low Density.

Public hearing notifications required by State and City Codes have been completed in conformance with the standards established by these Codes and as reflected in the attached documentation.

General Plan Guidance (Section Reference)

Listed as Residential – Low Density which, as a guideline for future land use recommendation, is not currently in agreement with the petitioner's request.

Councilmember Ellis asked if the rezone was granted if the applicant would consider the entrance on the previously discussed site plan in relation to safety. Mr. Yeates presented a conceptual plan and explained he has been working with the fire department in determining the best places for an ingress/egress.

Mr. Yeates discussed his efforts in meeting with the residents surrounding the rezone property. He felt the main concern of the residents was not the development itself, but rather the safety and unknown future road improvements to Ritter Drive. Mr. Yeates suggested that the City Council draft a conceptual road plan for Ritter Drive to address the concerns of the residents. Mayor Searle informed Mr. Yeates that the road design is currently in process by the City Engineer. Mayor Searle discussed the city's budget for road improvements to Ritter Drive. Mayor Searle discussed his increasing efforts in bringing more awareness to the community regarding Ritter Drive by implementing more information in the City's Newsletters.

There was a discussion regarding road improvements to Ritter Drive with an emphasis on design and budget.

Matt Yeates, co-applicant, provided background regarding the anticipated assisted living facility and the intent of the various services which will be offered on campus to meet various needs of the living residents.

Councilmember Arnold discussed the anticipated 60 foot right of way for Ritter Drive and discussed the difficulty of the hillside and the topography. He asked what Ritter Drive would look like in 10 years, as a collector street. He felt the LIT zone would be a good transition from commercial and residential.

Mr. Yeates discussed the goal of improving Ritter Drive to the point of re-opening the closed portion.

Councilmember Griffiths discussed parking congestion at assisted living facilities, due to emergency response vehicles, staff parking and families visiting the residents. He expressed concern regarding the excess of parking flowing onto the surrounding roads. He asked the applicants to consider a large amount of parking to accommodate the needs of the facility to ensure limited off street parking.

MOTION: Councilmember Arnold moved to approve Ordinance 891, rezone request from Josh Yeates, regarding property owned by L. Leon Poulsen Trust, property located approximately 1526 West & 1528 West Ritter Drive, Riverdale, Utah 84405, zone change from A-1 (Agricultural) to LIT (Low-Impact Transition Overlay). Councilmember Ellis seconded the motion.

Councilmember Mitchell wanted to verify the property owners had signed the rezone application. Mr. Eggett confirmed.

ROLL CALL VOTE: Councilmembers Hansen, Griffiths, Ellis, Mitchell and Arnold all voted in favor of Ordinance 891.

5. Consideration of Ordinance 892, rezone request from Josh Yeates, regarding property owned by G. Lynn Wheeler and Lenna V. Wheeler, property located approximately 1560 West Ritter Drive, Riverdale, Utah 84405, zone change from A-1 (Agricultural) to LIT (Low-Impact Transition Overlay).

Mr. Eggett briefly summarized the executive summary which explained:

Josh Yeates, the petitioner in this matter, is requesting a rezone of four properties and a portion of one additional property located at approximately 1560 West Ritter Drive from the current Agricultural (A-1) zone to a proposed Low-Impact Transition Overlay (LIT) zoning to allow for potential future development opportunities for these properties. This request is for approximately 1.5 acres (only the agricultural zoned portion of parcel 08-106-0003 is being rezoned; the CP-3 zoned area will remain as currently established) of land that would be affected by the proposed rezone request (see the attached zoning map document for more information).

As required by State Code, a public hearing was noticed (per Code requirements) and thereafter held during the June 27, 2017 Planning Commission meeting, to receive and consider public comment on the proposed amendment to the zoning map. At the conclusion of the public hearing and following conversation by the Planning Commission, a motion was supported by the Commission to recommend City Council approval of the rezone request for the LIT zoning change. Following review and discussion of this matter, the City Council may act to: approve the rezone request, approve the request with amendments, table the request, or not approve the rezone request based upon sufficient findings of fact to support the decision.

Title 10 Ordinance Guidelines (Code Reference)

This rezone request is regulated under City Code 10-5 "Rezone Requests" and is affected by City Codes 10-8 "Agricultural Zones (A-1)" and 10-13D. "Low-Impact Transition Overlay Zone (LIT, misrepresented in the Code as C-L)".

The petitioner's properties are listed in the County Records under the ownership of G. Lynn Wheeler and Lenna V. Wheeler. The Wheeler properties are being utilized as residential and agricultural use properties and have been operating in this fashion for many years. At this time, the agricultural zoning is compatible with the current use on the site.

Josh Yeates and Delyn Yeates have entered into a purchase agreement with the Wheelers for the properties affected by this petition. Josh and Delyn Yeates have indicated that the group's intent for the properties is to potentially develop the properties for an assisted living facility, an independent living senior facility, or a hybrid of assisted living and independent living senior facility that could be accessible from Ritter Drive and likely connected in some fashion to the already approved Riverdale Assisted Living Center to the west of these properties.

The appropriate application and supporting documentation have been submitted and provided to the Planning Commission and City Council for review (please see attached documentation and maps for more).

This request for rezone is not in agreement with the General Plan for this location as this property is recommended in the General Plan Land Use section to be Residential – Low Density.

Public hearing notifications required by State and City Codes have been completed in conformance with the standards established by these Codes and as reflected in the attached documentation.

General Plan Guidance (Section Reference)
Listed as Residential – Low Density which, as a guideline for future land use recommendation, is not currently in agreement with the petitioner's request.

MOTION: Councilmember Arnold moved to approve Ordinance 892, rezone request from Josh Yeates, regarding property owned by G. Lynn Wheeler and Lenna V. Wheeler, property located approximately 1560 West Ritter Drive, Riverdale, Utah 84405, zone change from A-1 (Agricultural) to LIT (Low-Impact Transition Overlay). Councilmember Griffiths seconded the motion.

There was no discussion regarding this motion.

ROLL CALL VOTE: Councilmembers Griffiths, Ellis, Mitchell, Arnold and Hansen all voted in favor of Ordinance 892.

G. Discretionary Items

Mayor Searle discussed the Old Glory Days celebration and expressed gratitude to the volunteers and city staff for all of their hard work. Councilmember Griffiths and Ellis echoed Mayor Searle's comments regarding Old Glory Days.

Councilmember Arnold felt the City Council operated with the best intentions. He discussed Ritter Drive and felt it needed to be monitored and carefully developed to promote safety and efficiency for future Councilmembers and residents.

Lynn Wheeler, a Riverdale City Resident, was given permission to make a comment. Mr. Wheeler thanked the elected officials, both past and present, in their efforts in establishing Riverdale City. Mr. Wheeler provided a history of Ritter Drive. Mr. Wheeler emphasized the importance of increasing pedestrian safety along Ritter Drive.

Mayor Searle discussed Ritter Drive and the budget efforts to improve the road conditions and increase safety.

Councilmember Mitchell asked about striping along Parker Drive. Mr. Douglas stated he will review the striping and possible signage along that road.

Councilmember Mitchell commented on the amount of volunteers at the Riverdale Park clean-up. Mr. Douglas discussed the volunteer process and felt it was a success. Councilmember Arnold encouraged the volunteers to log their service hours on the website to collect accurate data in relation to areas being served.

Mr. Worthen informed the Council the fire apparatus is experiencing major repair issues with the transmission, with the cost of repairs up to \$18,000 not including labor costs. The Riverdale City Fire Department are reviewing all their transportation options. It was noted the new fire apparatus will be available in September.

H. Adjournment.

MOTION: Having no further business to discuss, Councilmember Hansen made a motion to adjourn. The motion was seconded by Councilmember Mitchell; all voted in favor. The meeting was adjourned at 7:16 p.m.

Norm Searle, Mayor

Jackie Manning, City Recorder

Date Approved: July 18, 2017