

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, September 19, 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
Cody Hansen, Councilmember

City Employees:

Rodger Worthen, City Administrator
Steve Brooks, City Attorney
Cody Cardon, Community Development
Jared Sholly, Fire Chief
Mike Eggett, Community Development
Jackie Manning, City Recorder

Excused:

Alan Arnold, Councilmember

Visitors:

Mike Hadley	Amy Hadley	Frank White
LaNae White	David Leahy	Charles Kerkvliet
David Ermer	Clark Hogan	Kelly Kearns
Mark Henderson	Vaughan Ashley	

A. Welcome & Roll Call

The City Council meeting began at 6:04 p.m. Mayor Searle called the meeting to order and welcomed all in attendance, including all Councilmembers with the exception of Councilmember Arnold who is excused. Mayor Searle encouraged the public to sign the attendance roster.

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.

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. No comments were made.

E. Presentations and Reports

1. Mayors Report

Mayor Searle informed the public of the upcoming meet the candidates night, which will be held on Thursday from 6:30 p.m. to 8:00 p.m. at the Riverdale Senior Center.

2. City Administration Report

Rodger Worthen, the City Administrator, summarized the department reports, staffing authorization plan, highlighted the staff anniversaries, and the treasurers report. Mr. Worthen recognized staff members who participated in cleaning up the outside area of the civic center by pulling weeds and trimming bushes.

Mr. Worthen presented awards to the five year incremental anniversaries for: Frank White -15 years; and Michael Hadley-10 years.

F. Consent Items

1. Review of meeting minutes for the Joint Strategic Planning Meeting held on August 29, 2017 and the City Council Work Session and Regular Meeting minutes held on September 5, 2017.

Mayor Searle invited any corrections or comments regarding the meeting minutes. There were no requested changes.

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.

G. Action Items

1. a. Public Hearing to receive and consider comments regarding the new state requirement affecting the nonreciprocal interfund activity transfer of resources utilized by the General Fund and provided by the Water Fund.

Cody Cardon, the Business Administrator, summarized the executive summary which explained:

To measure accountability, our City uses several separate funds. A fund is a fiscal and accounting entity with self-balancing set of accounts segregated for the purpose of carrying on specific activities for attaining certain objectives in accordance with regulations, restrictions, or limitations. Our City is in reality a combination of several distinctly different fiscal and accounting entities, each having a separate set of accounts and functioning independently. We are required by Utah Code and governmental accounting standards for services provided by a utility enterprise fund to another fund to estimate or calculated the value of said services at the same rate as other similar customers of the utility.

The City has calculated and estimated the value of water utility services utilized by its General Fund to be \$80,000 for fiscal year 2018. This nonreciprocal interfund transfer amount is comprised of water utilization at all City buildings, other facilities, and exterior watering of parks and other City owned property.

Utah Code 10-5-107 and 10-6-135 requires that the City hold a public hearing and notify all utility customers before an interfund transfer is made. This hearing fulfills that requirement.

MOTION: Councilmember Griffiths moved to open the public hearing. Councilmember Ellis seconded the motion; all voted in favor.

No comments were made.

MOTION: Councilmember Hansen moved to close the public hearing. Councilmember Mitchell seconded the motion; all voted in favor.

b. Consideration of Resolution 2017-22, accepting the results of the nonreciprocal interfund activity transfer of resources utilized by the General Fund and provided by the Water Fund.

Mr. Cardon explained this would be an annual item, and will next be presented during the next fiscal year budget discussion.

There was a brief discussion regarding the transfer process, and Mr. Cardon explained the process is done through a disclosure, versus an actual transfer.

MOTION: Councilmember Ellis moved to approve Resolution 2017-22, accepting the results of the nonreciprocal interfund activity transfer of resources utilized by the General Fund and provided by the Water Fund. Councilmember Griffiths seconded the motion.

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

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

2. Consideration of Final Site Plan and Plat for Greenhill at Riverdale Apartment Buildings Addition, property located approximately 4189 South 300 West, Riverdale, Utah 84405; requested by Riverdale Apartment Partners and US Development.

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

Riverdale Apartment Partners has applied for a Multiple-Family Residential Site Plan and Plat review and approval for apartment building additions to the Greenhill at Riverdale Apartments property located at approximately 4189 South 300 West in a Multiple-Family Residential R-5 zone (a very small portion of this area was recently approved and rezoned from R-4 to the R-5 zone). The proposed subdivision site plan is before the City Council at this time for final review and approval of the site plan and plat. A public hearing is not required to consider this proposed site plan and plat. On September 12, 2017, this request came before the Planning Commission and at the conclusion of the discussion, the Planning Commission recommended City Council approval of the proposed Final Site Plan and Plat. Following the

presentation and discussion of the final site plan and plat proposal, the City Council may make a motion to approve the final site plan and plat, approve with additional requirements, or not approve the proposed Greenhill Apartments building additions site plan and plat with the appropriate findings of fact. Should this proposal receive final site plan and plat approval, the plat could then be finalized and recorded with Weber County, a performance bond or escrow issued for the project, and construction activities commence thereafter.

Title 10 Ordinance Guidelines (Code Reference)

This Development/Residential Subdivision Site Plan review is regulated under City Code 10-21 "Subdivisions" and City Code 10-9F "Multiple-Family Residential Zone (R-5)". This proposal is also affected by City Codes 10-14 "Regulations Applicable to All Zones", 10-15 "Parking, Loading Space; Vehicle Traffic and Access", and other various development standards found within the City Code.

The petitioner's properties are currently listed in the County Records under the ownership of Riverdale Apartment Partners. These properties have been maintained as multiple-family residential apartments and associated service buildings for many years.

Recently, the City Council approved a proposed small property swap of real estate to accommodate the proposed apartment building in the south of this property. As part of this property swap and in order to allow the proposed apartments to have the appropriate setbacks needed for their proposal, the Riverdale City leadership submitted a rezone application for a large portion of property south of the Greenhill Apartments property (as jointly owned by Riverdale City and the Riverdale RDA) to change the zone from Multiple-Family Residential (R-4) zoning to Community Commercial (C-2) zoning. On September 5, 2017, this rezone request was approved by the City Council and will now allow the City and RDA to utilize property zoning that hopefully will provide for future commercial development opportunities on these associated properties.

The applicant group also provided a rezoning application to the City to rezone all properties in the new project plat from Multiple-Family Residential (R-4) and Regional Commercial (C-3) zoning to Multiple-Family Residential (R-5) zoning. This rezone request was approved by the City Council on September 5, 2017 for the property area, as shown in the submitted plat for this project development.

Additionally, the Greenhill Apartments applicants provided a conditional use application for the proposed building additions that is required for any development of more than 49 units within an R-5 zone. On September 12, 2017, the conditional use permit was approved by the Planning Commission for the proposed Greenhill Apartment Building Additions and the 30 new units (and associated facilities) therein.

Attached with this executive summary is a supplementary document addressing items on the Preliminary Site Plan application and as directed by 10-21 of the City Code. Also attached, following this executive summary, are comments from the contracted City Engineer, Public Works Department, Fire Department, Police Department, and City Administrator.

General Plan Guidance (Section Reference)

The General Plan use for this area is currently set as "Planned Commercial - High" and, although this project proposal is not a commercial project, it would be complimentary to the regional commercial uses in this area of the City.

Ernie Willmore, the applicant, provided an overview regarding the upgrades currently being made to the exterior and interior of the existing apartments.

There was a brief discussion pertaining to the pet policies for Greenhill Apartments.

MOTION: Councilmember Mitchell moved to approve Final Site Plan and Plat for Greenhill at Riverdale Apartment Buildings Addition, property located approximately 4189 South 300 West, Riverdale, Utah 84405; requested by Riverdale Apartment Partners and US Development. Councilmember Hansen seconded the motion.

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

CALL THE QUESTION: All Councilmembers voted unanimously in favor of the motion.

3. Consideration of Ordinance 895, a rezone request for properties located at approximately 4465 South 600 West, Riverdale, Utah, zone change from Agricultural (A-1) to Regional Planned Commercial (CP-3) zoning; requested by M&J Leisure LC..

Mr. Eggett summarized the executive summary which explained:

M&J Leisure LC, the petitioner in this matter, is requesting a rezone of property located at approximately 4465 South 600 West from Agricultural (A-1) zoning to Regional Planned Commercial (CP-3) zoning to allow for possibility of a future waterpark expansion (of Classic Waterslides area) and the potential for other future business opportunities on this

property (see the application documents for further explanation). This request is for approximately 13.09 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 and to allow for public commentary, a public hearing was noticed and held on September 12, 2017 with the Planning Commission to receive and consider any provided public comment on the proposed amendment to the zoning map; two property owners who shared ownership of property south of the rezone request area provided comments during this public comment time. Following the public hearing, the Planning Commission amended the requested rezone area (see attached document and below summary for updated area) and then approved a motion to provide a favorable recommendation of the amended rezone area to the City Council regarding the proposed M&J Leisure LC rezone request. Following discussion in this matter, the City Council may make a motion to approve the M&J Leisure LC rezone request, approve with modifications, table the request, or deny the request based upon sufficient findings of fact to support the motion.

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 (A-1, A-2) zones" and 10-10B "Regional Planned Commercial (CP-3) zone".

The petitioner's property is currently listed in the County Records under the ownership of M&J Leisure LC. This property have been utilized as open pasture and hillside areas for many years adjacent and around a waterpark (Classic Waterslides) property located more towards the northern end of this property.

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

The Regional Planned Commercial (CP-3) zone requires all development requests to be reviewed as conditional uses in this zone; all uses listed in a C-3 zone are reviewed as conditional uses in the CP-3 zone. Additionally, these planned uses need to be clearly indicated on the final development plans for any project in a CP-3 area and "shall have an acceptable relationship to, and further the purposes, of the master plan for the City." For more information relative to the zoning codes affecting this request and permitted and conditional uses for these zones, please reference the respective sections of City Code, as noted above.

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.

As part of the Planning Commission's motion, the Planning Commission made a change to the area recommended for rezone by recommending that the rezone area should include all of the property to the north, in compliance with the Master Land Use Plan, and then only be allowed to go south of the current Classic Waterslides to the existing fence line and gate wherein the private road access starts (a map has been included for an approximate area reference). Everything south of the fence line and gate should remain Agricultural (A-1) until a clear development and use plan for other land uses has been identified by the property owner for these properties to be considered for other zoning designations.

The reasons for this determination were based upon the applicant's stated desires to expand the waterpark amenities adjacent and surrounding the Classic Waterslides area, which might include: kiddie pool and water features area expansion, additional parking, other associated water park features and amenities, etc. The applicant further stated that any development of this property area would only occur in the flatter areas of the site and not along the hillside, thus avoiding any future hillside development issues or concerns associated with these properties. Future site planning processes would need to occur in order to allow any proposed future expansion or development onto this property, should the rezone recommendation be approved by the City Council.

Staff would encourage the City Council to review this matter and discuss with the petitioners any concerns that may arise in this matter. Staff would then recommend that the City Council act accordingly to approve, approve with conditions, table, or not approve the rezone request based upon sufficient findings of fact to support the decision.

General Plan Guidance (Section Reference)

The General Plan Land Use for the properties south of the waterslides area is currently set as "Agricultural". The waterslides property and areas north and east of the waterslides property are set as "Planned Commercial – High" on the Land Use Plan.

Kelly Kearns, representative of M&J Leisure, discussed the opportunities that would arise as a result of this rezone, such as additional parking for the business and possible addition of a child pool. Mr. Kearns explained they did not want to invest any money into the possible options until they knew the rezone would be possible.

Councilmember Ellis expressed concern regarding the rezone request in the essence that there were no definitive plans for the land. Councilmember Ellis asked the applicant if they would accept the Planning Commission's recommendation and only rezone a smaller portion. Mr. Kearns explained his preference would be his original request which included the entire portion of land, but he would accept the smaller portion.

Councilmember Griffiths discussed a prior residential survey which results revealed the desire of having more outdoor recreation available in Riverdale City. Mr. Kearns stated they are looking to stay in Riverdale City and noted his favorite aspect of the waterslide is the outdoor natural landscaping in that area.

There was a discussion regarding the private narrow road. Mr. Kearns discussed the possibility of widening the private road to increase safety and better traffic flow in the busier months. Councilmember Ellis asked if a road expansion would result in a right-in and right-out only onto Riverdale Road. Mr. Eggett explained that would be a decision for the Utah Department of Transportation (UDOT).

There was a discussion regarding the Regional Planned Commercial (CP-3) zone and it was explained any development would require a Conditional Use Permit, which would be subject to approval by the city.

MOTION: Councilmember Hansen moved to approve Ordinance 895, a rezone request for properties located at approximately 4465 South 600 West, Riverdale, Utah, zone change from Agricultural (A-1) to Regional Planned Commercial (CP-3) zoning; requested by M&J Leisure LC for the entire portion of land originally requested by the applicant. Councilmember Mitchell seconded the motion.

There was no discussion regarding this motion.

ROLL CALL VOTE: Councilmembers Mitchell, Hansen and Griffiths all voted in favor of approving ordinance 895. Councilmember Ellis voted in opposition. The motion carried with a majority vote.

H. Discretionary Items

Councilmember Mitchell requested emails be sent to the Councilmembers regarding block parties hosted by the police department as it allowed opportunities for the Council to get to know residents.

Councilmember Griffiths forwarded concerns expressed by neighboring residents regarding fire hazards. Jared Sholly, the Fire Chief, discussed the current prevention programs available to the public.

Councilmember Hansen requested an update regarding Birch Creek flooding and code enforcement pertaining to an illegal shed. Mr. Worthen discussed the flooding near Birch Creek and discussed the need for a study to be conducted by the surrounding cities, which would be a shared cost. He noted the long term solution would be to improve the piping under the nearby railyard. Mr. Worthen explained in relation to the shed it has been sold and will be relocated shortly.

A resident in the audience raised his hand and asked if he could address the Council. Mayor Searle consented.

Vaughn Ashley, a property owner near Classic Water Slides, explained he maintains the private road previously discussed. He asked if the rezone would result in residential housing. Mayor Searle explained housing was not allowed in a CP-3 Zone. Mr. Ashley further explained the open space near the Classic Water Slides is the only open space left in Riverdale to ride horses. He opposed the rezone.

Mr. Worthen informed the council of a Special RDA Meeting to be held on September 26, 2017 at the Civic Center, the time is to be determined.

I. Adjournment.

MOTION: Having no further business to discuss, Councilmember Ellis made a motion to adjourn. The motion was seconded by Councilmember Mitchell; all voted in favor. The meeting was adjourned at 7:17 p.m.

Norm Searle, Mayor

Jackie Manning, City Recorder

Date Approved: **October 3, 2017**