

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, February 6, 2018, 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
Alan Arnold, Councilmember
Cody Hansen, Councilmember
Bart Stevens, Councilmember

City Employees: Rodger Worthen, City Administrator
Steve Brooks, City Attorney
Cody Cardon, Business Administrator
Scott Brenkman, Police Chief
Jared Sholly, Fire Chief
Mike Eggett, Community Development

Excused: Jackie Manning, City Recorder

Visitors: Teresa Knight Lana Delioh Mark Saal
Jim Knight Doug Gregory John Shelburne
Tyler Butterfield Shanda Butterfield David Leahy
Chuck Kerkvliet Ronda Rodriguez Amber Gallegos
Eric Malmberg Brett Benegar Dawn Benegar
Britni Benegar Margie Poe Dave Morgan
Deanne Morly Robert Hiatt Annette Cutler
Jim Richards Louis Donovan Chelsea Hulet
Troop 187 Riverdale Lori Brinkerhoff Jerry Siefert
There were additional names that were not legible. Brett Stephenson

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 Council Members and all members of the public. Mayor Searle reminded members of the public to sign the meeting roster.

Mayor Searle invited the senior patrol leader for scout troop 187, to introduce the troop to the City Council. The scouts were present to earn their citizenship badge.

B. Pledge of Allegiance

Mayor Searle invited Rodger Worthen 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. If there are multiple members of the public present to speak on the same issue, the Mayor asked the public to have a representative speak on behalf of the group of people.

Joe Thompson, member of the Riverdale Lions Club, expressed appreciation to the City of Riverdale regarding the recent spaghetti fundraiser dinner, which proceeds were to go for the residents impacted by the Riverdale Landslide. He felt the response was positive. He stated over \$5,000 was raised from this event. He stated there are still people donating for the landslide residents.

Becky Meehan, a Riverdale Landowner [property located at the bottom of the landslide], explained she has not been able to get a hold of city staff members for the purpose of setting up a meeting to discuss the landslide. She expressed concerns regarding the loss of buildings and equipment on her property as a result of the landslide. She expressed concerns regarding her horses, which cannot be moved from the property. She asked if the land owner of the hillside [now landslide area] had been contacted regarding efforts to stop the constant water. She felt the community should do something to stop the landslide destruction. She wanted to know who is responsible for all the damage occurring.

Mayor Searle had comments relating to the efforts made by Riverdale City staff specifically the monitoring of all the water lines. He discussed Weber Basin and Washington Terrace who have also checked their lines and noted at this point in time the water source is unknown.

Louis Donovan, a Riverdale Resident [a homeowner who was evacuated as a result of the landslide], stated he had an independent water study done [on the landslide] by a reputable company called Wasatch Engineering. According to Mr. Donovan the report stated the water results came back inconclusive. Mr. Donovan stated he had a meeting with the Board of Directors for Weber Basin and at that meeting was told the Weber Basin Water samples were also inconclusive. Mr. Donovan discussed water records from Weber Basin and Washington Terrace from 2015 and 2016 and felt the City should investigate the water shortages listed in the report.

Mr. Donovan asked why his home had not been condemned, and explained his gas and water lines had been disconnected, per the direction of Riverdale City. Mr. Donovan referred to a prior City Council Meeting during the moment of silent portion, wherein Mayor Searle asked that everyone keep the victims of the California Mudslide in their thoughts. Mr. Donovan felt the comment was in good faith, but felt disrespected by the Mayor for not recognizing his own citizens. Mayor Searle discussed his personal prayers for the local residents and explained his comment regarding California was in relation to the victims that lost their life. It was not intended as a slight to the Riverdale residents.

Brett Stephenson, a Riverdale Landlord/Home Owner [owns and rents his home a few houses down from the evacuated homes near the landslide], stated he will likely be the next home evacuated. Mr. Stephenson asked when the appropriate time and place would be for landowners impacted by the landslide to be heard. He discussed the inconclusive water and filtering process. Mr. Stephenson felt the city should go find the source of water. He discussed the property damage of those impacted by the landslide and estimated the damage to be millions of dollars. He referred to hurricane Katrina and explained there were public funds used during that disaster to assist private property owners. He asked why the City didn't use eminent domain to take ownership of the hillside for the purposes of fixing the landslide issue. Mr. Stephenson asked why the City couldn't build a wall or drill pipes through the ground to help mitigate the landslide impact.

Mike Meehan, a Riverdale Landowner [property located at the bottom of the landslide], stated there is asbestos in one of the evacuated homes. He expressed concern regarding the asbestos home rolling down the hillside and mixing with the water below. Mr. Meehan asked if anyone from the City Council had been near the landslide recently. Mr. Meehan stated he hasn't been in conversation with anyone from the City for over a month. He didn't feel there was open communication [between the City and the residents].

Jerry Siefert, a Riverdale resident [who lives on the hillside near the landslide], discussed the drilling occurring at the top of the hillside. He felt the City should start checking the sewer lines and punch holes to check the water throughout the landslide and encouraged Washington Terrace to the same. He suggested drilling a hole for the purpose of pumping out the water to help mitigate the hillside movement. He stated there are two possible causes for the water, man-made or natural. He discussed the option of diverting the water. He felt the City's first step should be to stop the water and then determine who is responsible.

Mayor Searle discussed all the efforts made by the public works department checking for water sources, drilling holes along the water pipes. No leaks were found. He further explained there is a geological technology study being conducted to detect movement in the landslide. There was a brief discussion regarding the continuous changing topography of the hillside.

There was a discussion regarding demolition of the evacuated homes located at the top of the landslide area, with an emphasis that at this time the City will not demolish the homes.

Ms. Meehan expressed concern about the eventual clean-up when the homes go down the hillside. Ms. Meehan stated she wants a copy of the geological technical report. Rodger Worthen, the City Administrator, stated as soon as the report is available he will share the information.

Dave Morgan, a Riverdale Resident, stated he agrees with his neighbors comments. He expressed concern regarding the bystanders looking at the hillside. He noted among the bystanders were children.

There were no other comments.

E. Presentations and Reports

1. Mayors Report
a. Council Committee Assignment Reports

This item was not discussed.

F. Consent Items

1. Review of meeting minutes for the City Council Work Session and Regular Meeting minutes held on January

16, 2018.

Mayor Searle invited any corrections or comments for the City Council Work Session and Regular Meeting minutes held on January 16, 2018. 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. Consideration of City Council Resolution 2018-02, Declaration of Emergency on landslide area.

Steve Brooks, the City Attorney, summarized the executive summary which explained:

State code requires that if a mayor takes unilateral action in times of an emergency then for any acts to continue long-term, the full governing body needs to consent and declare a local emergency. The slide continues to advance and the mayor's evacuation order should likewise continue to be in effect.

Also, by declaring this on a local level it may open doors for other possible county, state and federal options and possible resources. This doesn't mean that anything will happen or is available, only that this act must be done first before it will ever be looked at on a higher level.

MOTION: Councilmember Arnold moved to approve Resolution 2018-02, Declaration of Emergency on landslide area. Councilmember Hansen seconded the motion.

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

ROLL CALL VOTE: Councilmembers Hansen, Stevens, Ellis, Mitchell, Arnold all voted in favor of Resolution 2018-02.

Mr. Brooks explained this Resolution will be passed along to Weber County. Mr. Brooks stated there may be state agencies that may be able to assist some of the impacted residents.

Mayor Searle discussed research conducted by the City in relation to federal or state response for disasters, such as hurricanes. The research concluded that the State of Utah would only become involved if the number of impacted homes were at least 25, and the federal government won't get involved until at least 100 homes are impacted.

2. Consideration of Final Site Plan and Plat approval for Krispy Kreme Riverdale (Riverdale Landing, Phase One Subdivision), property located approximately 4212 Riverdale Road, Riverdale, Utah 84405; requested by Grand Slam Ventures LLC and the RDA of Riverdale City.

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

Grand Slam Venture, as represented by Eric Malmberg/Jeff Randall, have applied for a Preliminary Site Plan and Subdivision Plat (which is now at the final consideration stage) of a Krispy Kreme restaurant/cafe located at approximately 4212 South Riverdale Road in a Community Commercial (C-2) zone. This site plan and plat is being proposed for development on property that is within the Riverdale Road RDA area and currently owned by Grand Slam Ventures (GSV). A public hearing is not required to consider this final site plan and plat proposal. On November 28, 2017, the preliminary site plan and plat for this GSV project was approved by the Planning Commission. Then on January 9, 2018, the final site plan, plat, and conditional use permit for this project were approved by the Planning Commission to be constructed at the requested site location. Following the presentation and discussion of the proposal, the City Council may make a motion to approve the Krispy Kreme Riverdale final site plan and plat proposal, approve the proposed site plan and plat with any requested modifications, or not approve the Krispy Kreme Riverdale final site plan and plat. If final approval is provided, then this matter could move forward to the platting, performance security, building, and preconstruction phases for this project.

Title 10 Ordinance Guidelines (Code Reference)

This Final Site Plan and Subdivision Plat review is regulated under City Code 10-21 "Subdivisions", 10-25 "Development in All Zones", and is affected by City Codes 10-10A "Community Commercial Zones (C-2)", 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 on the northeast corner of 500 West and Riverdale Road on property currently owned by Grand Slam Ventures, LLC. The property is in a C-2 zone and all uses listed in this zone are considered conditional; on January 9, 2018, the Planning Commission approved the conditional use permit for this use in the existing C-2 zone. Per the applicant, the desired uses are restaurant/café and food production.

Attached with this executive summary is a document entitled "Final Site Plan and Plat Review – Riverdale Krispy Kreme Riverdale (Riverdale Landing Phase 1 Subdivision)"; this is a supplementary document representing a continued review of listed items found on the Preliminary 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. The City Council should discuss any concerns raised by these summaries.

On January 3, 2018, the Design Review Committee reviewed and discussed the architectural building design/colors, landscaping, and signage, which thereafter became approved design elements for this site.

All site signage is regulated per City Code 10-16 (specifically section 8.(b.) for Commercial Districts); it is anticipated that the applicant will adhere to this Code when finalizing and installing signage.

If final approval is provided, then this matter could move forward to the platting, performance security, building, and preconstruction phases for this project.

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.

MOTION: Councilmember Arnold moved to approve the Final Site Plan and Plat approval for Krispy Kreme Riverdale (Riverdale Landing, Phase One Subdivision), property located approximately 4212 Riverdale Road, Riverdale, Utah 84405; requested by Grand Slam Ventures LLC and the RDA of Riverdale City, subject to city staff concerns being addressed/resolved. Councilmember Mitchell seconded the motion.

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

ROLL CALL VOTE: Councilmembers Stevens, Ellis, Mitchell, Arnold and Hansen all voted in favor of the final site plan.

Councilmember Mitchell discussed the median in front of Pep Boys and explained the benefits of the area by removing the median. He expressed appreciation to Pep Boys for being willing to cooperate with the Utah Department of Transportation (UDOT).

3. Consideration to approve the official name for the Veteran's Memorial. (Consensus Item from 01/16/18 City Council Regular Meeting).

Mayor Searle explained Dave Leahy, the prior president of the Veterans Memorial, will be presenting this item. Dave Leahy explained by naming the memorial it identifies the Veteran's Memorial and provides additional meaning. One of the names proposed and discussed at the last meeting was "Riverdale City Defenders of Freedom". Mr. Leahy stated once the name is determined a plaque will be made to further identify the memorial.

There was a discussion regarding determining which name would be most appropriate. Councilmember Arnold suggested letting the Veteran's Committee choose the official name. Councilmember Mitchell agreed with Councilmember Arnold's comments and encouraged the Veteran's to include Riverdale somewhere in the name.

MOTION: Councilmember Stevens moved to defer the decision to determine the Veteran's Memorials official name to the Veteran's Committee Members. Councilmember Arnold seconded the motion.

There was no discussion regarding this motion.

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

Mayor Searle noted there was no longer a need to conduct a closed executive session.

H. Discretionary Items

Councilmember Mitchell stated he was approached by residents with a concern of the built up gravel along the park strips. He asked the public works to look into the build-up. Councilmember Mitchell referred to complaints made on facebook regarding conduct of a police officer and asked for follow up regarding that matter. Mayor Searle noted he was made aware of this circumstance and explained in this instance, Police Chief Brenkman did respond to the resident who made the initial complaint on facebook.

Councilmember Arnold encouraged City Staff to respond to residents phone calls and encouraged residents to contact him directly if this is not being done.

Councilmember Hansen asked if it was possible to get an official statement regarding their water loss reports. There was a discussion regarding contacting various agencies, such as Washington Terrace and Weber County with relation to the landslide, with an emphasis on jurisdiction.

Councilmember Hansen asked if the city staff could look into better fencing for the landslide area.

I. **Adjournment.**

MOTION: Having no further business to discuss, Councilmember Mitchell made a motion to adjourn. The motion was seconded by Councilmember Ellis; all voted in favor. The meeting was adjourned at 7:23 p.m.

Norm Searle, Mayor

Jackie Manning, City Recorder

Date Approved: March 6, 2018