

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, September 18, 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  
Mike Eggett, Community Development Director  
Scott Brenkman, Police Chief  
Jared Sholly, Fire Chief  
Rich Taylor, Community Services  
Jackie Manning, City Recorder

Excused:

Steve Brooks, City Attorney

Visitors:

Scout Troop 35	Ron Child	Annette Child
Craig Campbell	Sharon Campbell	Rick Winget
Colleen Winget	David A. Leahy	Bruce Burrows
Mike Sessions	Brett Benegar	Larry Hansen
Doug Peterson		

**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 Councilmembers and all members of the public. The city attorney was excused from this meeting.

**B. Pledge of Allegiance**

Mayor Searle invited Retired Air Force Master Sergeant David Leahy to lead the Pledge of Allegiance.

Mayor Searle invited the scout troop in attendance to introduce their troop. Lincoln Henderson, a scout troop, introduced the troop and explained they were present to earn their citizen badge.

**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. Public Comment**

Mayor Searle did the citizen recognition agenda item before the public comment agenda item. Chief Sholly emphasized the importance of recognizing citizens for their great deeds and work. He described a recent incident which occurred at the Riverdale City Community Center in which a person stopped breathing, became unconscious. Numerous people, including Riverdale City staff members, performed CPR on the individual until the ambulance services arrived. Chief Sholly presented citizen recognition awards to Carol Nash, Paula Peterson, Ron Child, and Karen Dille for their assistance in this incident.

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 action will be taken during public comment.

Larry Hansen, a Riverdale resident, expressed appreciation for the citizens that were recognized. He briefly discussed the importance of the Community Emergency Response Team (CERT) program. Mr. Hansen explained his comments were related to the consensus item for the fire consolidation discussion. Mr. Hansen discussed his past experience with former fire chiefs and fire department during his previous employment serving as the Riverdale City Administrator.

Mr. Hansen discussed the sales tax redistribution based on population which passed the legislature years ago and explained the negative financial impact that had on Riverdale City. Mr. Hansen discussed his former lobbying efforts with the state legislature in attempt to change the sales tax redistribution, which resulted in the higher sales tax rate in Riverdale City in an attempt to ease the burden of the sales redistribution.

Mr. Hansen felt the Riverdale City fire department was highly trained and very professional. He stated the

consolidation would hinder the service level the Riverdale residents currently receive. He referred to a previous temporary experience with an interlocal agreement with Roy City, which led to the decision of hiring a Riverdale Fire Chief. He emphasized the importance of public safety and government's role in providing this service. Mr. Hansen discussed his finance professional background and questioned the financial feasibility of consolidating the fire departments.

Mr. Hansen briefly discussed franchise taxes and openly opposed the idea. He explained Riverdale City predominantly relies on sales tax for revenue. He felt maintaining the sales tax revenue was crucial in continuing to provide public safety services. Mr. Hansen stated the Zions Bank study did not address whether or not the existing interlocal agreements were insufficient. He questioned why Roy City was not included within the study. He stated the cost to provide public safety services for Riverdale City could be utilized as a lobbying tactic in maintaining the higher sales tax rate. He discouraged the Council from considering this option until all other options are explored.

Bruce Burrows, a Riverdale resident, discussed his involvement in the lobbying efforts made to the state legislature regarding sales tax which he felt was granted because of the disproportionate amount of public safety required within Riverdale due to the large commercial base. He emphasized his opposition to the idea of consolidating the fire department. He referred to past studies in reviewing fire consolidation and noted they did not result in faster emergency response times. He discussed the professionalism and training of the Riverdale Fire Department and questioned whether that would maintain under the consolidation. He felt the auto-aid and mutual aid was sufficient for Riverdale's public safety needs.

Mr. Burrows briefly discussed the RDA West Bench Area and expressed his involvement in getting that RDA area originally established. He expressed disappointment that no development has appeared to have occurred.

Mr. Burrows asked the city staff to review that area and consider the tactic of past Riverdale employees and officials with regards to the disproportionate public safety needs for Riverdale City.

Mayor Searle thanked Mr. Hansen and Mr. Burrows for their comments. Mayor Searle explained Roy City has approached Riverdale with regards to the consolidation and has expressed interest in becoming involved. With regard to the West Bench RDA Area Mayor Searle discussed the difficulties of development due to existing business, Motel 6, and land owners unwilling to sell their land or work with developers.

## **E. Presentations and Reports**

### **1. Mayors Report**

Mayor Searle invited the public to attend the open house taking place on September 27, 2018 at 6:00 p.m. – 7:00 p.m. to display the conceptual round-about drawing to be located along 1050 West Ritter Drive. The public is invited to come and provide comments and review the concept drawing. This round about will be funded through a grant that was acquired. The round-about is anticipated to begin construction 2022.

### **2. Citizen Recognition**

This item was discussed before the public comment portion.

### **3. City Administration Report**

Rodger Worthen, the City Administrator, summarized the administration report which outlines staff anniversaries, full time employee (fte) allocation, community development (i.e. new businesses coming into the community or existing business remodels), individual staff monthly progress reports, and the condition of the treasury.

Mr. Worthen discussed the work and efforts of the City Recorder, Jackie Manning, for her efforts in working hard to keep the business license ordinance in compliance with state law. Mr. Worthen also recognized Chris Stone, with the Business Administration Department, in his work and efforts in maintenance at the Senior Center, as well as his work in establishing the live streaming of the City Council meetings, and updates to the city website. Mr. Worthen recognized Stacey Comeau, the Human Resources Manager and now City Treasurer, for her work and efforts in payroll, staffing needs, RDA loan program, and her supervision of staff.

Mr. Worthen noted the 5 year incremental staff anniversaries for August and September: Norm Farrell – 20 years, Bart Poll – 20 years, Neil Amidan – 5 years, Colleen Winget – 15 years, Cindee Colby – 10 years, Raelyn Bowman – 5 years. The staff are given awards at every 5 year anniversary increments. Mayor Searle and Mr. Worthen emphasized the importance of honoring employees.

### **4. Landslide Update**

Mr. Worthen stated there was little activity regarding the landslide. The recently installed fence now has privacy slats. The water level has reduced and vegetation is appearing on the slope. Ben Erickson, with Utah Geological Survey (UGS),

continues to monitor the slide and will report soon regarding his monitoring efforts.

## 5. Fire Study Discussion/Consensus

Mr. Worthen summarized the executive summary which explained:

The purpose of tonight's meeting is to arrive at a consensus on whether to continue further evaluation of the proposed Fire District between Riverdale City, South Ogden City and Washington Terrace. Fire Chief Jared Sholly and City Manager Rodger Worthen will be presenting and answering questions from the elected officials on the proposed Fire District.

July 31, 2018, at 6:00 p.m.

A public meeting was held with Council Members, Mayors, City Managers and Fire Chiefs from Riverdale, South Ogden, and Washington Terrace to discuss the idea of consolidating Fire Departments. Rodger Worthen was able to present a brief summary of the proposed structure, benefits and concerns. Susie Becker presented the feasibility study done by Zion's Bank. At the end of the meeting it was determined that the representatives from the cities would meet sometime over the next few months and decide if the consolidation planning should move forward.

September 4, 2018 at 6:00 p.m.

At South Ogden City Council Meeting the Council decided unanimously to move forward with additional planning and evaluation of the proposed Fire District.

Attached are the Zion's Bank Feasibility Study and Consolidation PowerPoint that will be reviewed in the Council meeting. These documents are only a starting point to determine benefits and cost feasibility. These documents have yielded information that shows there are significant benefits to the consolidation of fire departments within the area. However, there are many questions still needing to be answered. For that reason we are asking for a consensus to continue on working to build a more precise proposal.

Highlights of a Fire District for Riverdale:

- Through a fee based system, Riverdale would still be able to use sales tax revenue to fund their portion of the Fire District. This would prevent a property tax increase on our residential citizens.
- Overall there is an actual reduction of fire department costs from \$271.13 (actual from general fund) to \$247.81 per \$250,000 residences. (Feasibility Study, Slide 3)
- Stability with ambulance revenue combining current demographics
- Firefighter safety
- Improved response times for both medical and fire to the east bench and commercial area north of the bridge
- Consistent policies, procedures and training
- Improved firefighter recruitment, development and retention
- Potential revenue opportunities
- Purchasing power
- Closest Unit Response through Spillman and Automatic Vehicle Location (AVL)

Additional Information to be Evaluated:

- Fire Stations
- Human Resources
- Legal
- Employee benefits
- Capital improvement

Jared Sholly, the Riverdale Fire Chief, explained the difference between auto-aide and mutual aide and discussed the response time delays that accompany each option.

Chief Sholly briefly highlighted the fire consolidation study results conducted by Zion's Bank. The study explored different funding options, such as raising the property tax rate, and provided hypotheticals regarding enhanced response times and better coverage for fires. Chief Sholly referred to the boundary map and explained the existing service complications due to station proximity, and fireman limitations due to staffing. Chief Sholly expressed concern over the response time to calls in the West Bench Area which sometimes are as high as 6 minutes.

Chief Sholly discussed mutual aide and auto-aide agreements and the control complications due to the differences in fire fighter trainings, fire fighter availability, due to volunteer departments, and internal policy's throughout each jurisdiction. Chief Sholly discussed his continuous efforts in improving existing response times regardless of whether or not the consolidation of the fire departments occur. His overall goal is to improve efficiency in emergency response. Chief Sholly provided highlights of a national study regarding fire fighter safety and the urgency of shorter response times.

Councilmember Ellis discussed the importance of maintaining a budget, but also felt that preserving and saving human life was the most important aspect of public safety. Chief Sholly discussed the dangerous situations for fire

fighters, which increase when they are under staffed. He relayed a personal experience where he had a partner fire fighter who died while fighting a fire.

Councilmember Hansen discussed the increasing costs of providing public safety. He expressed concern regarding losing control of emergency response services. He discussed the unique demographic of Riverdale City with relation to the large commercial area and small residential area. He felt consolidation would jeopardize potential future lobbying efforts.

Chief Sholly discussed the role of city managers in working with the fire chiefs in establishing a budget to be approved by the local elected officials as a means to maintain budget control. Chief Sholly felt the city would still have a level of control even if they went to the consolidated fire department. He further explained this consolidation would not become a taxing entity. Riverdale City's portion would be subsidized by sales tax revenue as it currently is.

Councilmember Mitchell did not believe Washington Terrace would participate in the consolidation and as such didn't see the benefit of just combining Riverdale City with South Ogden City. He also expressed concern regarding being permanently locked into a fire consolidation.

Chief Sholly discussed the proposed district boundary and discussed the potential advantages even if it were between South Ogden and Riverdale fire station. He referred to a boundary map and discussed improved response times. There was a brief discussion regarding auto-aide versus mutual aide.

Mayor Searle discussed his main concern of public safety. He discussed property taxes and explained he would rather implement fees versus taxation revenues. He was opposed to a property tax increase, but expressed concern regarding the continual reduction of city staff with a continual increase in public service.

There was a continued discussion among the Councilmembers regarding the best way to improve service along the East Bench of Riverdale without resorting to a fire consolidation. Chief Sholly asked the Council to consider fire fighter safety which would increase with a consolidation because there would be standardization of training, policies, with more knowledge and experience amongst the various fire equipment, as well as more adequately staffed shifts.

Councilmember Stevens felt additional time was needed to review financing for the fire consolidation. He expressed the desire to continue reviewing all viable options in conjunction with exploring the consolidation of the fire departments. He felt standardization and increase response times should warrant further research.

Councilmember Arnold stated finance was a huge component to consider, but felt it was premature for the Council to not explore all viable options. He noted this study was not like a taxing district. He recommended continuing to review all options, while also adding a possibility of an exit strategy if the fire consolidation is implemented. He didn't feel it hurt the city to at least review all the data and options for the purpose of providing the best service to the community.

There was a continued discussion regarding the best approach for the community with emphasis on finance, and maintaining control of the fire department.

Mayor Searle asked the council if they had a consensus to continue researching the option of a future fire consolidation.

**CONSENSUS:** Councilmembers Mitchell, Ellis, Stevens and Arnold reached a consensus in favor of continuing the research and review of the fire consolidation feasibility.

Councilmember Hansen voted in opposition.

#### **F. Consent Items**

##### **1. Consideration to approve the City Council meeting minutes from: September 4, 2018 Work Session and Regular Session.**

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

**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. Councilmembers Mitchell, Ellis, Arnold, Hansen and Stevens all voted in favor of the motion.

#### **G. Action Items**

**1. Consideration of Ordinance 903, amending the shared use and land exchange agreements on the site plan known as "Greenhill Apartment" project; located approximately 4189 South 300 West, Riverdale, Utah 84405.**

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

Riverdale Apartment Partners has submitted updated agreement documents for the Shared Use and Access Agreement (internally used between the three lots as previously approved with the three lot subdivision) and also the Land Exchange Agreement with the City/RDA. These updated documents were completed by the lender for the Shared Use and Access Agreement and by the petitioner's legal counsel for the Land Exchange Agreement (changes have been made for title and recording purposes). On May 15, 2018, the City Council approved the Multiple-Family Residential Small Subdivision (three lots) and Amended Site Plan review and approval for apartment building additions to the Greenhill at Riverdale Apartments property (which included the Shared Use and Access Agreement) located at approximately 4189 South 300 West in a Multiple-Family Residential R-5 zone. As a point of information associated with this request, on September 19, 2017, this project came before the City Council and, at the conclusion of the discussion, the City Council approved the originally proposed Final Site Plan and Plat. A public hearing is not required to consider these agreement updates.

Should this proposal receive approval from the City Council, the applicant could continue in moving forward in recording the plat and commencing construction activities for the new apartment structures on these properties.

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

The original Development/Residential Subdivision Amended Site Plan and Plat 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.

Last fall, the City Council approved a proposed small property swap of real estate to accommodate the proposed apartment building in the south of this property. Thereafter, on September 19, 2017, the City Council approved the original site plan and plat design for the Greenhill Apartments building addition and one lot plat for this project proposal.

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 are the proposed agreement documents and other supplementary document addressing the Riverdale Apartment Partner's amendments. Please take note, that the Public Works Director has included a brief comment relative to some specific language he would like to have included back into the proposed amended Shared Use and Access Agreement document. The City Council should discuss these documents and any noted concerns associated with the proposed amended documents.

Mr. Eggett noted a request made by the Public Works Director, Shawn Douglas, to include additional language to Exhibit A of Ordinance 903, the Shared Use Agreement, in article 13 paragraph 3, following the sentence "of the Shared Use Facilities, Access Facilities and Utility Facilities which include water lines, sewer lines, storm drainage system improvements, and other lines, types of conduits within easement."

Ernie Willmore, the applicant, stated in regards to Mr. Douglas's recommended addition to article 13, this information is already included in the definition portion of the shared use agreement. He didn't feel there was a need for redundancy language as that might create confusion within the document. He asked that the addition not be added in.

Mr. Eggett noted Exhibit B of Ordinance 903, the Land Exchange Agreement, needed to be swapped for the redlined version "Redline of Exchange Agreement" located within the packet materials.

There was a brief discussion regarding whether this item should be tabled to allow additional time for the city attorney and public works director to review the agreements and ensure the new language satisfies their original concerns. Mr. Worthen explained the City Attorney, Steve Brooks, had seen the language prior to the meeting, and as such signed his signature of approval on the executive summary.

**MOTION:** Councilmember Hansen moved to approve Ordinance 903, amending the shared use and land exchange agreements on the site plan known as "Greenhill Apartment" project; located approximately 4189 South 300 West, Riverdale, Utah 84405, with the addition that Exhibit B be swapped as recommended by Mike Eggett. Councilmember Stevens seconded the motion.

Mayor Searle invited discussion regarding the motion. Councilmember Arnold asked if the motion could be amended to include a provision that the approval be contingent upon the city attorney and public works director accepting the agreement as written.

**AMENDED MOTION:** Councilmember Hansen moved to amend his motion to approve Ordinance 903, amending the shared use and land exchange agreements on the site plan known as "Greenhill Apartment" project; located approximately 4189 South 300 West, Riverdale, Utah 84405, with the addition that Exhibit B be swapped as recommended by Mike Eggett, with the approval being contingent upon staff review by the city attorney and public works director. Councilmember Stevens seconded the amended motion.

**ROLL CALL VOTE:** Councilmembers Ellis, Mitchell, Arnold, Hansen and Stevens all voted in favor of the motion.

**2. Consideration of Ordinance 904, regarding a new chapter (6) to be added to Title 8 for the transfer of water rights for new development(s).**

Mr. Worthen, the City Administrator, summarized the executive summary which explained:

Last week the City staff presented to the council a new requirement for development to convey water to Riverdale City providing water for the impact of the new development upon the City's water system. Since the first reading the proposed code, the staff has added additional language allowing developers without water shares to pay cash in lieu of submitting water shares that they may not control or easily acquire.

The purpose of this chapter is to obtain water to support new development within the city's growth area(s). The requirement achieved through the transfer of water rights to the city as a condition of connection to the city's municipal water system by developers. The City benefits from the use of obtained water shares to expand water availability, lessen impact upon the current water system, be more fiscally sound within the water fund, and meet growth demands for water. Being that Davis and Weber Canal water shares are the most easily converted and used by the City and WBWCD the staff recommends the value of this water being used as the basis of an optional cash payment in lieu of conveying actual water shares. These funds would be identified in the water fund and restricted for use of only purchasing surface water rights by the City.

**MOTION:** Councilmember Arnold moved to approve Ordinance 904, regarding a new chapter (6) to be added to Title 8 for the transfer of water rights for new developments. Councilmember Hansen seconded the motion.

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

**ROLL CALL VOTE:** Councilmembers Mitchell, Arnold, Hansen, Stevens and Ellis all voted in favor of the motion.

**H. Discretionary Items**

Councilmember Hansen asked if there were any updates for the Redevelopment Areas (RDA) within the city. Mr. Worthen stated there will be more information in the next RDA meeting which may include an executive closed session. He noted the progression of the Krispy Kreme building and discussed the road improvements along Riverdale Road within that area.

**I. Adjournment.**

**MOTION:** Having no further business to discuss, Councilmember Mitchell made a motion to adjourn. The motion was seconded by Councilmember Ellis. Councilmembers Mitchell, Ellis, Arnold, Hansen and Stevens all voted in favor to adjourn.

The meeting was adjourned at 8:02 p.m.

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Norm Searle, Mayor

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Jackie Manning, City Recorder

**Date Approved: October 16, 2018**