

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, May 16, 2023, at 6:00 p.m., at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present: City Council: Braden Mitchell, Mayor
Alan Arnold, Councilmember
Bart Stevens, Councilmember
Steve Hilton, Councilmember
Anne Hansen, Councilmember
Karina Merrill, Councilmember

City Employees: Steve Brooks, City Administrator/Attorney
Mike Eggett, Community Development Director
Scott Brenkman, Police Chief
Shawn Douglas, Public Works Director
Michelle Marigoni, City Recorder

Excused:

Visitors:

Welcome & Roll Call

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

Pledge of Allegiance – Bart Stevens, Councilmember

Invocation – Anne Hansen, Councilmember

Public Comment

Mayor Mitchell invited members of the public to speak.

Loralee Gacioch, Representing Bonneville CTC, thanked Riverdale for the support over the last few years. She spoke about the new signage campaign and presented council members with shirts.

Presentations and Reports

Mayor's Report

There was a leak on Parker Drive. He thanked Public Works for their response. The pump was not working, but luckily, they had a backup. He noted the increased funds the previous year for public works were necessary and that water is a core service.

City Administration Report

a. Department Reports April

Mr. Brooks reported there was a small mudslide on South Weber Drive and asked Mr. Douglas to pass on appreciation to his crews for all the work they do. He went over the budget reports in the packet, noting the bulk of the deficit is from the senior facility. Mr. Arnold asked if the senior center was going to be addressed. Mr. Brooks said he was still working on gathering some information before bringing it to the board.

Councilor Hansen expressed frustration that the rates have not been raised, though it has been addressed multiple times in recent meetings. She said there is a fund for the large-scale repairs, which should be included in the overall picture of the financial state of the senior center. Mr. Brooks explained he was referring to the current year only.

A general plan open house will be held on May 17th from 6pm to 8pm at the Community Center.

Sales tax reports were down again, but not as much as they had been in the previous few months.

The current financial report shows all departments are below budget nearing the end of the year.

b. May Anniversaries Employee Recognition

Shawn Douglas – 32 years

Abe Torres – 17 years
Travis Gibson – 12 Years
Luigi Panunzio – 7 years
Mitchel Preator – 6 years
Lance Beech – 6 years
Laurie Greenhalgh – 4 years
Kim Winn – 3 years
Shari Casper – 1 year
Zach Henstra – 1 year

c. Staffing Authorization Plans

d. Community Development Report

Cheddar's has taken some steps forward. Their supervisor had a medical incident, causing yet another setback. They are anticipated to be open mid-July. Fiiz should be open soon. Tesla will be before the Planning Commission on the next meeting.

The apartments on 4400 South and 700 West are moving forward. There are about eight people left in Lesley's trailer park, who should be moved out by May 23rd. Some of the trailers may be moved to a rural part of Wyoming. Councilor Arnold asked if it would be possible to get the worst trailers moved sooner. Mr. Stevens said the residents are stripping the trailers of anything they can get some money for. Mr. Brooks stated he was not sure how many of the trailers were owned by the landowner and how many were still owned by the tenants.

Insurance rates are increasing across the board (worker's compensation, auto, etc.).

Flood update/report

Mr. Brooks asked Mr. Douglas to give an update on the river and flooding situation. He reported the predictions for the next seven days are about the same as what they have been for the last few days. Echo will begin having water added, Lost Creek is full, and Causey is over full and spilling. The new SCADA monitoring system has been working very well and showing lower levels than at the Gateway station. The trail has been flooded most of the week. There are still a lot of people going to the closed areas, cutting the chains and locks, and making them appear locked after.

Mr. Brooks reported some of the banks were undercutting and some of the bikers have been riding over the top, where caution tape is placed. It has been expected that the body of the woman who fell into the river is anticipated to be found soon, as many people have been searching daily. Mr. Douglas hopes someone who works for the city finds her, and not the family members or friends who have been searching.

Consent Items

1. Consideration to approve meeting minutes from:

May 2, 2023 Council Work Session
May 2, 2023 Council Meeting
May 2, 2023 Strategic Planning Budget Meeting

Mayor Mitchell asked if there were any changes to the minutes from May 2. There were no changes.

Councilmember Arnold moved to approve the minutes. Councilmember Hilton seconded the motion. All were in favor and the minutes were approved.

Action Items

1. Coleman Vu Estates Development Agreement, Subdivision, PRUD:

- a. Consideration of Resolution #2023-18 regarding a proposed Development Agreement between Riverdale City and GCH Riverdale I LLC, as requested by Goldcrest Homes LLC.

Mr. Brooks noted the development agreement was listed first to provide for water before approving any other portions of the development.

Councilor Hansen brought up the resolution as having the legal entity name listed incorrectly, as it should be GCH Riverdale I LLC. Regarding the agreement, she felt the water portion looked good. A provision basing the agreement on an approved subdivision causes an issue, as it refers to the subdivision's set of plans as approved, and the plans themselves are not in a condition for approval at this time.

She felt it seemed to be a rough draft, and wondered if more time was needed for review. She asked why the roads were left public – Mr. Eggett explained it is to fit with Riverdale Code.

Concern with the small front setbacks causing cars to be blocking the sidewalk and views of the road.

Concern regarding the ditch being piped in phase 2, in the agreement, but on the plans it shows “under protest” and on phase 3.

The UDOT design approvals are mentioned, there is nothing to show UDOT has approved this. Mr. Eggett noted this is another circular logic which has been a hold up.

Exhibit A includes the Brett and Kimberly Coleman Trust parcel, but it is not shown in the plans. Adam Anderson with Goldcrest Homes approached the podium and explained that the parcel is included, for a total of about 19 acres.

There is a legal description in the plans which refers to Davis County.

Exhibit C was missing, Mr. Eggett reported it is available but not in the packet.

Councilor Hansen felt the project was in a draft status. She felt these issues needed to be addressed before approval.

Mr. Anderson spoke about the setbacks and noted the driveways are where they are to provide enough parking space in the driveways.

Councilor Arnold stated he does not like hashing these things out in Council Meeting, as the plans should be complete before being presented before Council. He said the water needs to be obtained before moving forward per Riverdale ordinances. Mr. Anderson disagreed and said the development agreement needed to be signed first. Mr. Arnold said that it is the staff's responsibility to make sure these items are complete before it is presented to Council.

Mr. Anderson stated he wanted to get the project moving and said he could fix all the issues quickly, and that as an applicant he should be heard and given a vote up or down.

Councilor Hansen said many residents are excited about having new single-family homes available, but that it needs to be done right. When the plans are presented to the council, the outstanding items should be completed and fixed so the legislative body does not have to spend time in plan review.

Mr. Anderson said he appreciated the feedback and that the company will stand by the project.

Mayor Mitchell noted everyone is good with the idea of the development but agreed that it does need to be done right.

Mr. Arnold said the outlet at 1050 West is in a problematic place and it should be a cross street if possible due to the school being so close and the large amount of traffic before and after school.

Councilor Stevens was glad to see a roundabout in the plan, as crosswalks can be built in for safe crossing.

Councilor Hansen asked if the staff had any recommendations on this matter. Mr. Brooks said he would not be opposed to tabling the agreement. Mayor Mitchell asked if the next two items could be discussed before making a motion on this item. Mr. Arnold felt this would go against the agenda. Mr. Brooks said they could move the order of the items if they wished.

Motion: Councilmember Arnold moved to table item 1a Resolution #2023-18 regarding a proposed Development Agreement between Riverdale City and GCH Riverdale I LLC, as requested by Goldcrest Homes LLC.

Second: Councilmember Hansen

Councilor Arnold:	Yes
Councilor Hansen:	Yes
Councilor Merrill:	Yes
Councilor Hilton:	Yes
Councilor Stevens:	Yes

Motion to table passes unanimously. Item will be tabled.

- b. Consideration of Ordinance #964 regarding a proposed Final Subdivision and Site Plan request for Coleman Vu Estates PRUD Subdivision located at approximately 5368 South 1050 West, as requested by Goldcrest Homes LLC.

Councilor Hansen had concerns with the following items, noting there is no exception of perfection at this point:

- Engineer and public works outstanding concerns
- 20-foot irrigation easement appears to be partially on an adjacent property
- The storm drainage issues that were identified, especially with a high-water year.
- The legal names on the site plans need to match.
- Multiple items listed "under protest", should not be signed by a legislative body.
- No agreement with the irrigation company for them to be responsible for the cost of damage to their easement, though it is mentioned. Mr. Brooks said the agreement is required.
- Legal descriptions are incorrect in various places on the plans (secondary listed areas)
- Sheet C200 Note #26 obligating the neighbor to have an easement – is there an existing easement? Unclear. Listed "under protest"
- C300 #7 ditch to be filled in phase 2 – listed phase 3 in the development agreement.
- C400 to be installed under standards of the irrigation company but listed under protest and no agreement with the irrigation company. Ambiguous.

Mayor Mitchell had an issue with a 20-foot easement being listed as required by Riverdale City, but it was not requested by Riverdale.

Richard Cox, representing the Colemans, said he has been doing research on the canal. Nothing has been found recorded giving access to the canal by Motor Vu. The only open area he found of the ditch is around the drive-in, but they can't figure out why the ditch is so important to everyone as there are a low number of shareholders. He spoke about the easement and that there is nothing written saying they must have an easement. He felt it was ridiculous how long this had taken. He said he has found the perfect builders for the project. He spoke about the Colemans and their willingness to work with the city on the roundabout, and that the HOA CCRs could address the parking and setback issues. He implied the Colemans are getting upset that the project isn't moving forward.

Ms. Hansen noted it doesn't have to be anywhere, and that there are state statutes that need to be reviewed and suggested they may want to speak to a water attorney, though she stated she was not giving legal advice.

Mr. Cox continued to express his frustration and there was further discussion regarding the ditch and easements.

Ms. Hansen reiterated that the major issues needed to be resolved. Mr. Douglas stated the city was asked not to get involved in the ditch issue.

Mr. Anderson said they were not implying the city was requiring the easement on the canal. He said he was trying to get the plat moving forward and wasn't sure how to take care of the ditch issue, though he said he would contact his attorneys.

Mr. Brooks noted there was an insinuation that the city was not working with the developers, which is not true. The developers have nearly \$5000 in outstanding fees for the work the city has put in up to this point. The code cannot be ignored and that is not how Riverdale does things. The canal issues are between the developer and the canal company, which includes more than just the easement.

Mayor Mitchell asked Mr. Brooks if phase 1 could be approved before the canal company agreement was in place. Mr. Arnold noted it was one of many issues and that it is not what is holding it up.

Motion: Councilmember Arnold moved to table item 1b Ordinance #964 regarding a proposed Final Subdivision and Site Plan request for Coleman Vu Estates PRUD Subdivision located at approximately 5368 South 1050 West, as requested by Goldcrest Homes LLC.

Second: Councilmember Stevens.

Councilor Hilton:	Yes
Councilor Stevens:	Yes
Councilor Hansen:	Yes
Councilor Merrill:	Yes
Councilor Arnold:	Yes

Motion to table passes unanimously. Item will be tabled.

- c. Consideration of Resolution #2023-19 regarding a proposed Planned Residential Unit Development (PRUD) Overlay request applied to the Coleman Vu Estates PRUD Subdivision at approximately 5368 South 1050 West, Riverdale Utah 84405, as requested by Goldcrest Homes LLC.

Mr. Arnold asked how the PRUD would benefit the developers. Mr. Eggett explained it is to allow for some smaller lots and some variation from the code on easements, allowing for some flexibility.

Councilor Hansen listed the following issues:

The legal name is not correct on the resolution

The date for the planning commission public hearing is not listed in the resolution.

All three items should be approved together.

Motion: Councilmember Stevens moved to table item 1c, Resolution #2023-19 regarding a proposed Planned Residential Unit Development (PRUD) Overlay request applied to the Coleman Vu Estates PRUD Subdivision at approximately 5368 South 1050 West, Riverdale Utah 84405, as requested by Goldcrest Homes LLC.

Second: Councilmember Merrill

Councilor Stevens: Yes

Councilor Merrill: Yes

Councilor Arnold: Yes

Councilor Hansen: Yes

Councilor Hilton: Yes

Motion to table passes unanimously. Item will be tabled.

2. Consideration of Resolution #2023-20 approving a service dog policy on city property and facilities.

Mr. Brooks said there was an incident with an animal in the justice court, which caused him to notice that the city does not have any policy regarding service animals. He asked for a policy from the Administrative Office of the Courts (AOC), but felt it was outdated and gathered further information from some university policies.

Mayor Mitchell asked if the resolution should be changed to include service animals instead of service dog.

Mr. Stevens asked if there was a standardized certificate or if people could simply purchase the vests, patches, etc. Mr. Brooks explained there is no standardized program and told him what could be asked, which is limited to two questions regarding the

Ms. Hansen suggested the following changes:

Section C 1b – add “during scheduled play”.

C – “will be removed from city property” – should say “may be removed from city property”.

D 1a “in a course, or as a demonstration animal” – may need to be more descriptive

Motion: Councilmember Merrill moved to approve Resolution #2023-20 approving the service dog policy with the changes suggested by Councilor Hansen.

Second: Councilmember Hilton

Councilor Hansen: Yes

Councilor Arnold: Yes

Councilor Hilton: Yes

Councilor Stevens: Yes

Councilor Merrill: Yes

Motion passes unanimously.

Comments

1. City Council:

2. City Staff:

3. Mayor:

Adjournment

Having no further business to discuss, Councilmember Arnold moved to adjourn the meeting. Councilmember Hilton seconded. The meeting was adjourned at 7:40 p.m.

