



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY – October 1, 2019**

5:30 p.m. – Work Session (City Council Conference Room)

No motions or decisions will be considered during this session, which is open to the public.

6:00 p.m. – Council Meeting (Council Chambers)

A. Welcome & Roll Call

B. Pledge of Allegiance

C. Moment of Silence

D. Public Comment.

(This is an opportunity to address the City Council regarding your concerns or ideas. Please try to limit your comments to three minutes. No action will be taken during Public Comment.)

E. Presentations and Reports

1. Mayor's Report
 - a. Council Committee Assignment Reports

F. Consent Items

1. [Consideration to approve meeting minutes from:](#)
September 17, 2019 City Council Work Session
September 17, 2019 City Council Regular Session

G. Discussion Item:

1. Discussion concerning Animal Control services and fees.

H. Action Items

1. [Consideration of issuing Class A – Beer License to Speedway LLC, 1055 W Riverdale Road, UT 84405](#)
Presenter: Shalee Evans, City Recorder
2. [Consideration of Resolution 2019-24 Justice Court Recertification](#)
Presenter: Steve Brooks, City Attorney

I. Closed Executive Session

1. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the purchase, exchange, or lease of real property (roll call vote).

J. Discretionary Items

K. Adjournment

In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Offices (801) 394-5541 at least 48 hours in advance of the meeting. **Certificate of Posting**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 27th day of September, 2019 at the following locations: 1) Riverdale City Hall Noticing Board 2) Riverdale City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html> and 4) the Standard-Examiner via email. Shalee Evans, City Recorder

**RIVERDALE CITY
CITY COUNCIL AGENDA
October 1, 2019**

AGENDA ITEM: F1

SUBJECT: Consideration to approve meeting minutes.

PRESENTER: Shalee Evans, City Recorder

INFORMATION: a. September 17, 2019 City Council Work Session
b. September 17, 2019 City Council Regular Meeting

[BACK TO AGENDA](#)

Minutes of the **Work Session** of the **Riverdale City Council & RDA** Tuesday, September 17, 2019 at 5:30 p.m., at the Civic Center in the Administrative Offices, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present:

City Council:	Norm Searle, Mayor Braden Mitchell, Councilmember Alan Arnold, Councilmember Cody Hansen, Councilmember Bart Stevens, Councilmember
City Employees:	Rodger Worthen, City Administrator Mike Eggett, Community Development Shalee Evans, City Recorder
Excused:	Brent Ellis, Councilmember

The Work Session meeting began 5:30 p.m. Mayor Searle welcomed the Council Members stating for the record that all were in attendance with exception to Councilmember Ellis, who is excused.

Public Comment:

There were no known public comments.

Presentations and Reports:

Mayor Searle reported UDOT is planning on redoing 5600 South interchange. They have offered to do a presentation for the city council. UDOT is also having a public open house the first week in October. Mike Eggett noted that the change will extremely affect the Riverdale road exit. Mayor Searle stated that UDOT is wanting the project to be finished in 2025. Rodger Worthen noted that UDOT will be coming the third week in October to a city council meeting for a presentation.

Mayor Searle invited any discussion about the city administration report. Rodger Worthen, city administrator wanted to point out all the challenges Steve Brooks, city attorney works with. He noted that there is a wedding reception business that the city has been working with, going on two years to get into compliance. There have been emails and calls from residents about parking issues, and building code violations. They also have health code and zoning issues. Mr. Worthen just wanted to make the council aware of the issue and that it has been sent to the justice court to be resolved.

Consent Items:

Mayor Searle invited any corrections or comments for the work session and regular meeting minutes for the City Council Meeting held on August 20, 2019. There were no corrections.

Action Items:

Mayor Searle invited discussion regarding the first action item, Consideration of Ordinance 912 amending swimming pool setback standard. Mike Eggett, community development, wanted to note that the public hearing was set on August 13, 2019 for August 27, 2019. He asked for an amendment to show the public hearing correction. He went over the research he did with the setback change request. Councilmember Stevens commented that he knows a resident that many years ago requested a setback change from 10 feet to 7 feet. He stated that the resident had purchased property from his neighbor to get his pool at the time and spent a year and a half trying to get the setback changed then to 7 feet. He wanted to comment that he wants to make sure the council is looking long term and not just looking at the current residents wants. Mike Eggett noted that the requester will still need to vacate the PUE before getting the pool installed.

RDA AGENDA Items

Consent Items: Consideration of Meeting Minutes for the RDA Meeting that was held on July 16, 2019.

Executive Closed Session

1. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the purchase, exchange, or lease of real property

Discretionary Items:

Mayor Searle asked if there were any discretionary items.

Adjournment:

Having no further business to discuss the Council adjourned at 5:59 p.m. to convene into their Regular City Council Meeting.

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, September 17, 2019, 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
Alan Arnold, Councilmember
Cody Hansen, Councilmember
Bart Stevens, Councilmember

City Employees: Rodger Worthen, City Administrator
Mike Eggett, Community Development
Shalee Evans, City Recorder

Excused: Brent Ellis, Councilmember

Visitors: Trent Nelson Jessica Fiveash David Leahy

A. Welcome & Roll Call

The City Council meeting began at 6:03 p.m. Mayor Searle called the meeting to order and welcomed all in attendance, including all Council Members and all members of the public.

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. Public Comment

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.

David Leahy stated that the concrete out front of the civic center for the veteran memorial is starting to crack. He noted that he found ten cracks. He said that it is too soon for the concrete to be cracking and that the city needs to get the cracks filled before they get worse or lift. He stated that he would understand the cracks if it were a high traffic area but it is not. Rodger Worthen, City Administrator, noted that concrete is poured when wet and it is going to crack, there were strike joints put in and it is hard to plan where the concrete is going to crack. Mayor Searle noted that there is a filler that we could fill the cracks with.

E. Presentations and Reports

1. Mayors Report

Mayor Searle reported that the meet the candidate's night is tomorrow evening at the senior center from 6:00p.m. to 7:30p.m..

2. City Administration Report

Rodger Worthen, 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. He noted the challenges the city attorney, Steve Brooks works with, and thanked him for his hard work.

F. Consent Items

1. Consideration to approve the City Council meeting minutes from: Work Session and August 20, 2019 Regular Session.

Mayor Searle invited any corrections or comments regarding the above referenced meeting minutes.

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

G. Action Items

1. Consideration of Ordinance 912 amending swimming pool setback standard.

Mike Eggett, Community Development, summarized the executive summary which explained: During the City Council meeting on July 16, 2019, public commentary was provided by resident Mike Loughton regarding the swimming pool ordinances, as found in Title 10, Chapter 14, Section 11. During his commentary he requested that the City reevaluate the setback requirement for the location of a swimming pool on a residential dwelling lot. He requested that the City consider changing the setback standard from 7 feet to 5 feet from any interior property line.

At the conclusion of his commentary, the Council was asked for a consent vote to decide if this would be a matter for further discussion in the future. On August 6, 2019, the City Council briefly discussed this request, and at the conclusion of the discussion in the matter, the Council by consent vote sent this matter to the Planning Commission for discussion and review.

On August 13, 2019, this matter was set for a public hearing and to be reviewed by the Planning Commission on August 27, 2019. The public hearing regarding this proposed code amendment was posted and advertised in accordance with State Code. No public comments were provided before nor during the public hearing portion of the meeting. At the conclusion of the public hearing, the Planning Commission approved a motion to submit the amended swimming pool ordinance (with a small change) to the City Council for final approval consideration. Therefore, this matter is now before the City Council for final approval consideration of the proposed language amendment to Title 10, Chapter 14, Section 11 regarding swimming pool setback standards.

Councilmember Stevens commented that he received permission from Alan Gibby to relay his comments from a conversation he had with him. Twenty years ago, Alan wanted to put in a pool when the setback standard was ten feet. He tried to get the setback standard put to seven feet to meet the requirement to be able to put a pool in. The city would not change from ten feet to seven feet, so he purchased four feet of property from his neighbor to be able to meet the setback standard at ten feet. The entire process took him over a year and half. After a few years had passed the city had approached Alan to change the setback standard to seven feet after he had gone through all the avenues to meet the ten foot standard. Councilmember Stevens just wanted to also note that when an ordinance is changed it affects the property, not the individual living in the property at the time.

Councilmember Mitchell thanked Mike Eggett for his hard work on this setback change request and thanked the planning commission. Councilmember Arnold stated that when residents move, then there will be another resident to purchase the property.

MOTION: Councilmember Arnold moved to approve Ordinance 912 amending swimming pool setback standards. Councilmember Mitchell seconded the motion.

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

ROLL CALL VOTE: Councilmember Arnold, Hanse, and Mitchell voted in favor. Councilmember Stevens voted opposed.

H. Discretionary Items

No Discretionary Items.

I. Adjournment.

MOTION: Having no further business to discuss, Councilmember Arnold made a motion to adjourn. The motion was seconded by Councilmember Mitchell; all voted in favor. The meeting was adjourned at 6:34 p.m.

Norm Searle, Mayor

Shalee Evans, City Recorder

Date Approved:

**RIVERDALE CITY
CITY COUNCIL AGENDA
October 1, 2019**

AGENDA ITEM: H1

SUBJECT: Consideration of issuing Class A – Beer License to Speedway LLC, 1055 W Riverdale Road, UT 84405

PRESENTER: Shalee Evans, City Recorder

INFORMATION: [a. Executive Summary](#)
[b. Application - private information redacted](#)
[c. Police Department Report](#)

[BACK TO AGENDA](#)



City Council Executive Summary

For the Council meeting on: October 1, 2019

Petitioner:
Shalee Evans, City Recorder

Summary of Proposed Action

Consideration of issuing Class A - Beer License to Speedway LLC, 1055 W. Riverdale Road, UT 84405

Summary of Supporting Facts & Options

The gas station and convenience store located at 1055 W. Riverdale Road has changed ownership. This requires the new owner to apply for a new business license and Class A - Beer License. The applicant has submitted a complete application to the city for approval. Schedule A of the Class A - Beer license application was not included in the packet because the majority of the information contained is classified as "private" information. The Police Department report is included for review.

Legal Comments - City Attorney

Steve Brooks

Steve Brooks
City Attorney

Fiscal Comments - Department Head

Cody Cardon

Cody Cardon
Business Administrator

Administrative Comments - City Administrator

Rodger Worthen

Rodger Worthen
City Administrator

**BUSINESS LICENSE APPLICATION**

• Riverdale City 4600 S Weber River Drive, Riverdale UT, 84405
• 801-394-5541 • Website: riverdalecity.com

Office Use Only

License # 2275
Fire: _____
Building: _____

BUSINESS INFORMATION

Business Name: SPEEDWAY LLC DBA: Speedway #9408
Business Address: 1055 West Riverdale Road Mailing Address: 19100 Ridgewood Parkway, Mail Stop TX1-075
Riverdale, Utah 84405 City: San Antonio State: TX Zip: 78259
Business Phone: 801-399-1566 Business Fax: _____ Business Email: KKDuncan@Speedway.com
Business Type: Commercial Business Description: Convenience Store and Motor Fuel Facility
*State Sales Tax ID: 14027016-004 Other State License numbers: _____
Total Square Footage of Building: 1, 444 sq ft Variable Information: _____

If business consists of property/residential rentals please provide a list of all rental addresses.

APPLICANT OR OWNER INFORMATION

Name: SPEEDWAY LLC Phone: 210-626-4132
Address: 500 Speedway Drive, Enon, OH 45323 Email: KKDuncan@Speedway.com
Managers Name: _____ Managers Phone: _____
Emergency Contact Name: Robin Pavlish Phone: 425-466-8771

Emergency Contact (Local person, other than manager, who may be contacted after hours.)

LICENSE FEES

Description	The Consolidated Fee Schedule is located on the Riverdale City Website: www.riverdale.com Riverdale City Code Title 1 Chapter 12 Section 2 and Section 8	Amount
A. General Business Fee (Prorated after April 30th)		_____
B. Variable Fee/Non Variable Fee		_____
C. Fire Inspection (\$30 for first 5,000 sqft and \$.01 per square foot over 5,000 sqft)		_____
D. Liquor License		_____
E. Other: _____		_____
F. TOTAL		_____

Please call (801) 436-1232 for assistance in calculating license fees.

APPLICANT AGREEMENT

I DECLARE THAT THE INFORMATION SET FORTH HEREIN (OR ATTACHED) IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT TO FALSIFY ANY INFORMATION ON THIS APPLICATION IS GROUNDS FOR DENIAL AND/OR REVOCATION OF AN APPLICABLE LICENSE.

Applicant Name (PRINT): SPEEDWAY LLC, Kimberly K. Duncan Authorized Signatory, Title: Speedway LLC Licensing and Compliance
Signature: Kimberly K. Duncan Date: 9/11/19, 2019

LICENSE PERIOD—JANUARY THROUGH DECEMBER 31st
(All Business Licenses Expire on December 31st of Every Year)

***NOTE: ALL BUSINESSES WHICH ARE REQUIRED TO HAVE A STATE SALES TAX NUMBER MUST PROVIDE A COPY OF THE CERTIFICATE TO THE CITY (Form TC-69) AND MUST REPORT TO THE STATE TAX COMMISSION THAT RIVERDALE CITY IS THE POINT OF SALE. LICENSES CANNOT BE ISSUED WITHOUT THIS DOCUMENT.**

FOR OFFICE USE ONLY

Date Paid: _____ Amount Paid: _____ Receipt # _____

RIVERDALE CITY
APPLICATION FOR LIQUOR OR BEER LICENSE

NAME OF APPLICANT: Speedway LLC, a Delaware Limited Liability Company
dba Speedway #9408

APPLICANT IS:

☐ A sole proprietorship (an individual)

☐ A corporation organized for profit

☐ A non-profit corporation

☐ An unincorporated association

☒ Limited Liability Corporation

If applicant is a partnership, list name of each general partner.

If applicant is a corporation (either profit or nonprofit), or an association, list name of each officer, showing his title.

NAME	TITLE
<u>Timothy T. Griffith</u>	<u>President</u>
<u>Glenn M. Plumby</u>	<u>Executive Vice President</u>
<u>Matthew L. Yoder</u>	<u>Senior Vice President</u>
<u>Jodi E. Baker</u>	<u>Assistant Secretary</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

No.

Liquor License Application

**SCHEDULE B
TO
APPLICATION FOR LIQUOR OR BEER LICENSE**

**PROVIDE HEREON A DETAILED DIAGRAM TO SCALE FO THE PROPOSED
LICENSED PREMISES:**

See attached.

The floor plan shows a rectangular store layout. At the top is a long counter with a 'CSD Display' on the left and a 'Beer Display' on the right. Behind the counter are shelves for 'Hostess', 'Auto', 'Breakfast', 'GM', 'Salty', 'N/S', 'Meat', 'Frito', 'Gum/Candy', and 'WI'. A 'Beer' sign with an arrow points to a circle around a section of the beer display. To the left of the counter is a 'Deli' area with 'Hot Dogs', 'Capp', 'Coffee', and 'Baker'. Below the counter is a 'Storage' area with a 'Sink' and 'Ice Cream'. To the right of the counter is an 'Office' area with a 'CR' sign. At the bottom is a 'New' section with 'ATM', 'Shelving', 'UC-Shelving', and 'CR'. A 'Beer Display' sign is also visible in the bottom right corner.

STATE OF Ohio }
COUNTY OF Clark }

The undersigned, being first duly sworn on oath, deposes and says that
Timothy T. Griffith has read the foregoing application For Liquor or
Beer license and the contents thereof are true and correct to the best of my knowledge and
belief.

Dated this 11 day of September, 2019



[Signature]

Subscribed and sworn before me this 11 day of September, 2019



LEE ANN WARREN
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
September 01, 2020
Recorded in
Clark County

[Signature]
Notary Public

Springfield, OH
Residing at:

9/1/20
My commission expires :

A single copy of this affidavit shall be submitted as the final page of the application. It shall be signed by the owner of a sole proprietorship, the managing general partner of a partnership, or the president of a corporation or association. By signing, the signer is swearing that the contents of the entire application are true.

**DEFINITIONS OF BEER AND LIQUOR LICENSES AS PER RIVERDALE CITY
CODE TITLE 3: LIQUOR CONTROL §3-2-1:**

A. Class A Liquor License; Single Event Permit: Authorizes the licensee, which shall be a bona fide corporation, church, political organization or incorporated association or a recognized subordinate lodge, chapter or other local unit and which is conducting a convention, civic or community enterprise, to store, sell, service and consume liquor for a period not to exceed seventy two (72) consecutive hours in strict compliance with the Utah alcoholic beverage control act of 1990. No more than two (2) special event permits shall be issued to the same group in any calendar year.

B. Class B Liquor License; Package Agency: Authorizes the licensee to operate a "package agency", as defined by the Utah alcoholic beverage control act of 1990, in strict compliance with said act, upon the licensed premises.

C. Class C Liquor License; Restaurant: Authorizes the licensee to sell liquor on premises occupied by a restaurant, in strict compliance with the Utah alcoholic beverage control act of 1990, and upon the licensed premises.

D. Class D Liquor License; Private Club: Authorizes the licensee to sell liquor on premises occupied by a private club in strict compliance with the Utah Alcoholic Beverage Control Act of 1990 and Utah Code Annotated section 16-6-18 et seq., upon the licensed premises.

E. Class A Beer License; Off-Premises: Authorizes the licensee to sell beer on the licensed premises in original containers for consumption off the licensed premises.

F. Class B Beer License; Restaurant: Authorizes the licensee to sell beer on the licensed premises occupied by a restaurant in the original containers for consumption either on or off the licensed premises; or in open containers in any size not exceeding two (2) liters and in strict compliance with the Utah Alcoholic Beverage Control Act of 1990.

G. Class C Beer License; Tavern Or Private Club ¹⁰ : Authorizes the licensee to sell beer on the licensed premises occupied by a tavern or private club on draft or in open containers in any size not exceeding two (2) liters or in the original containers for consumption either on or off the licensed premises and in strict compliance with the Utah Alcoholic Beverage Control Act of 1990.

H. Class D Beer License; Temporary: Authorizes the licensee to sell beer on the licensed premises on draft or in open containers in any size not exceeding two (2) liters or in the original containers for consumption on the licensed premises for a period not to exceed thirty (30) days and in strict compliance with the Utah Alcoholic Beverage Control Act of 1990.

**UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OFF-PREMISE BEER RETAILER LICENSE**

LOCAL CONSENT

Date: _____

Utah Department of Alcoholic Beverage Control
Licensing & Compliance Section
1625 S 900 W
PO Box 30408
Salt Lake City, Utah 84130-0408

_____ Riverdale City _____ (City) (Town) (County) grants its consent to
the issuance of a state off-premise beer retailer license for _____ Speedway #9408 _____,
owned by _____ SPEEDWAY LLC _____
(DBA)

and located at _____ 1055 West Riverdale Road, Riverdale, UT 84405 _____ pursuant to the
provisions of 32 B-7, Utah Code, for the purpose of the storage and sale of beer off-premises.

Applicant has met all local ordinances relating to issuance of local business license(s).

Name/title

Authorized signature

RIVERDALE CITY CORPORATION
4600 SOUTH WEBER RIVER DRIVE
RIVERDALE UT 84405

394-5541

Receipt No: 15.531608

Sep 16, 2019

TESORO COMPANIES

Previous Balance:	.00
MISCELLANEOUS - BUSINESS LICENSE	225.00
10-32-1000 BUSINESS LICENSES	
Total:	225.00
CHECK	225.00
Check No: 18532	
Total Applied:	225.00
Change Tendered:	.00

Duplicate Copy

09/16/2019 10:15 AM



REPORT OF THE RIVERDALE CITY POLICE DEPARTMENT

2019-SPEEDWAY

Upon investigation of the enclosed application, I find the following facts:

1. General reputation of the applicant: Good
2. Character of the premises: Good
3. Character of the persons who frequent the premises: Good
4. Nature and kind of business conducted at the premises by applicant or anyone else:
Convenience
5. Whether intoxicating liquors are or have been served or permitted to be drunk in said place, or by any person named in Paragraph 1 of application at any other place:
No
6. Whether said place is or has been conducted in an orderly, lawful and quiet manner:
Yes
7. The nature and kind of entertainment, if any, at said place: NA
8. Whether gambling or dancing is or has been permitted or gambling devices displayed upon the premises, or by any person named in Paragraph 1 of application at any other place:
NA
9. Proximity of such premises to any church or school: School located to the south of this location on 1050 W. beyond 1000 feet
10. Whether there is any grounds to believe any statement made in the application is untrue:
None
11. Any other information:

Upon the review of the facts I recommend: ☒ APPROVAL ☐ DISAPPROVAL


Chief of Police Signature

9/26/19
Date

Issuance of license authorized _____ refused _____ by City Council.

Date: _____

City Recorder

**RIVERDALE CITY
CITY COUNCIL AGENDA
October 1, 2019**

AGENDA ITEM: H2

SUBJECT: Consideration of Resolution 2019-24 Justice Court Recertification

PRESENTER: Steve Brooks, City Attorney

INFORMATION: [a. Executive Summary](#)
[b. Justice Court Recertification Letter](#)
[c. Resolution 2019-24](#)

[BACK TO AGENDA](#)



City Council Executive Summary

For the Council meeting on October 1, 2019

Summary of Proposed Action

The state requires that every four years a Justice Court needs to be recertified. It is now time for our recertification. I have enclosed an opinion letter indicating that all of the state requirements are now being complied with in our Justice Court and that the Court is fiscally sound.

Requested By

Petitioner(s):

Steve Brooks - City Attorney

Summary of Supporting Facts & Options

All measures and procedures that are currently in-place are either equal to or exceed the minimum state requirements for recertification. The only issue remaining is if the City wishes to continue to provide this service to the public. The original reason for establishing a justice court was to provide to our citizens a venue to deal with legal matters here locally, rather than going to downtown Ogden to do the same thing. This reasoning still exists and does provide a great service to the community.

The second concern would be the costs to the city. Although this should not be the main factor for or against a justice court, given the financial status of the Justice Court, I see no reason as to why the City would want to dispose of its court. Since FY 2004, the Justice Court has consistently maintained a positive fiscal report annually. Although it is not a primary means to "make" money for the city, it certainly pays for itself, adds additional revenue and does not cost anything to the city. It is one of the few, if not only, city service that supports itself and does not rely on subsidies from the City. (Drug Court, is not considered to be part of this recertification) I recognize that there may be other incidental costs either directly or indirectly associated with a justice court but ours is still fiscally sound, more than pays for itself and most importantly, does provide an important and valuable service to our citizens.

A resolution is included herewith requesting recertification from the Judicial Council and giving an indication that the City is willing to continue meeting the state requirements.

Legal Comments - City Attorney

Steve Brooks

Steve Brooks, Attorney

Fiscal Comments - Treasurer/Budget Officer

Cody Cardon

Cody Cardon, Business Administrator

Administrative Comments - City Administrator

Rodger Worthen

Rodger Worthen, City Administrator



September 24, 2019

Members of the Riverdale City Council
4600 South Weber River Drive
Riverdale, UT 84405

Re: Justice Court Recertification

Honorable members:

Utah Code requires that justice courts throughout the state be recertified every four (4) years. It is now time for the Riverdale Justice Court to be recertified. As a part of that recertification process, it is my obligation to advise you of the court requirements, the condition of our own court and offer a written opinion on the feasibility of maintaining a Justice Court.

As I have reviewed our own situation, it is my opinion that we are currently meeting all requirements set forth by state mandate for a Justice Court of our size (Class II). Those requirements are:

All court business is to be conducted in an official, permanent courtroom located in an appropriate public facility (same room as Council uses for meetings). That it meets all state requirements for courtroom (desks, chairs for clerks, witnesses, juries, tables for parties, flags, public seating, separate jury/victim rooms, etc.;

Hours of operation – Class II requires that the court is open at least 5 hours per day – we are open 8 hours, 5 days a week;

Court hours shall be posted in a conspicuous place at the court/facility – done in lobby and on internet;

Regularly scheduled court with judge and clerk present – 2 days per week;

Entity provides a judge and judge's fixed compensation – we have a Judge currently on a temporary basis and in the process of a permanent replacement with various other judges serving as a back-up;

Entity assumes expenses for the Judge's education and training – budgeted for yearly for at least one judicial conference, drug court and various continuing education classes;

Entity assumes expenses for clerical training – our clerks attend a minimum of one yearly training session and any others as is possible;

Sufficient prosecution and staff – contracted out to private individual(s) (currently split between Tish Coombs and Teral Tree);

Sufficient indigent defense – contract out (currently Anders Christensen);

Sufficient security – contracted out (currently Ogden City Constables);

Entity pays witness and jury fees – current and being done;

State fines and assessments are forwarded to State – current and being done;

Court must be held within the jurisdiction – held at city offices in Riverdale City;

Appropriate legal reference materials (Utah Code, Vehicle laws, Justice Court Manual, other local/state ordinances) – all present and updated;

Required reports and audits – current and complete as needed;

Robes, gavels, bail schedules, Codes, forms and supplies – current and complete;

Open space for Judge and clerk – Separate, private office for judge is provided as is an office for prosecution, an office for Defense Council, and 4 private clerical stations, all located within the same building. 2 Full time clerks are minimum required, we provide two full times and one part time;

At least one peace officer – have bailiff services provided by Ogden City Constables (usually a minimum of 2 are present) but numerous officers are generally around and present;

Security plan – current and implemented (exit review, panic buttons, etc.), has not been changed since last submitted;

At least one secured computer with internet access and Dept. of Public Safety access-complying;

Reports to DLD, BCI and Admin. Office of the Courts – current and complying;

Yearly budget, compliance and operation reviews between Entity and Judge – yearly meeting generally held in May but quarterly meetings also held with judge or more frequently if needed.

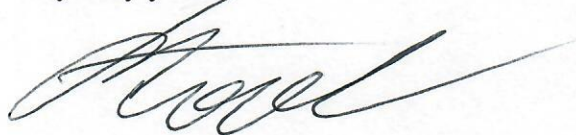
In regards to the feasibility of the Justice Court, keep in mind that the justice court was originally created in order to provide a more centralized and local service for the citizens and patrons of Riverdale City. They are not, nor should they be, designed to be a money making

entity. Having said that, I have reviewed the finances of the Riverdale City justice court for the past 4 years and consulted with the Riverdale City Business Administrator and feel very confident in saying that the Riverdale Justice Court is not placing any undue burden on to the city in terms of finances and is in fact doing quite well and showing a positive income versus expenditures during all of those four years.

It is my opinion that the Riverdale Justice Court is currently operating in full compliance with all state and local requirements. That no further changes need to occur in order for the court to reach compliance. And further, that the Riverdale Justice Court is operating within the designated budget for the Court and is a feasible operation that provides a valuable and important service to the citizens and patrons of Riverdale City. It is my recommendation that you pass a resolution requesting recertification of the Riverdale Justice Court by the Justice Court Standards committee.

If you have any questions, or need any further information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Stevin E. Brooks', with a long horizontal flourish extending to the right.

STEVIN E. BROOKS
Riverdale City Attorney

SEB:sb

cc: Riverdale City Council
Riverdale City Mayor
City Administrator



RESOLUTION NO. 2019-24

A RESOLUTION REQUESTING THE RECERTIFICATION OF THE RIVERDALE CITY JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78-5-139(3) require that the justice courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on December 31, 2019; and

WHEREAS, the members of the Riverdale City Council have received an opinion letter from Stevin E. Brooks, Riverdale City Attorney, which sets forth the requirements for the operation of a Justice Court and the feasibility of continuing to maintain the same; and

WHEREAS, the members of the Riverdale City Council have determined that it is in the best interests of Riverdale City to continue to provide for a justice court;

NOW, THEREFORE, BE IT HEREBY RESOLVED that City Council of the City of Riverdale hereby requests recertification of the Riverdale City Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the Riverdale City Council hereby affirms their willingness to continue to meet all the requirements set forth by the Judicial Council for continued operation of the Riverdale City Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

PASSED, APPROVED AND SIGNED this ____ day of October, 2019.

Norm Searle, Mayor

Attest

Shalee Evans, City Recorder