



RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY – November 17, 2020

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

2. [City Administration Report](#)

a. Department Reports October

b. November Anniversaries Employee Recognition

c. Staffing Authorization Plans

d. Community Development Report

e. Finance Report

F. Consent Items

1. [Consideration to approve meeting minutes from:](#)

November 4, 2020 City Council Work Session

November 4, 2020 City Council Regular Session

2. Consideration to appoint Craig Call as Riverdale City's Appeal Authority.

G. Action Items

1. [Consideration of Ordinance 928, approving a small subdivision plat for the proposed 1050 West Lot 1 Amended Subdivision plat.](#)

Presenter: Mike Eggett, Community Development

2. [Consideration of Ordinance 929, amending the Riverdale Municipal Ordinance code to add new or modify existing sections concerning the appeal authority on applicable areas within Riverdale City.](#)

Presenter: Steve Brooks, City Attorney

H. Discretionary Items

I. 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 13th day of November, 2020 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 Nay, City Recorder

**The City Council meeting on November 17, 2020 is viewable and will be conducted electronically and may be accessed by clicking on the link below. The regular City Council Chambers will be available for in person participation with recommended social distancing followed. The Agenda for the meeting is also attached above. **

<https://www.youtube.com/user/riverdalecity>

**RIVERDALE CITY
CITY COUNCIL AGENDA
November 17, 2020**

AGENDA ITEM: E2

SUBJECT: City Administration Report

PRESENTER: Bill Cobabe, City Administrator

INFORMATION:

- a. [Department Reports October](#)
- b. [November Anniversaries Employee Recognition](#)
- c. [Staffing Authorization Plans](#)
- d. [Community Development Report](#)
- e. [Finance Report](#)

[BACK TO AGENDA](#)



Mayor & City Council Monthly Summary Report September 2020



City Administration:

Shalee Nay:

- Prepared, posted, and noticed packet/agenda/minutes/recordings for City Council and Planning Commission.
- Posted ordinances and resolutions according to State Code and sent to American Legal to update city website
- Responded to various customer services pertaining to business licensing.
- Worked with Weber County Assessors office to keep active businesses in their system.
- Assisting prosecutors with documents.
- Assisted in scheduling inspections.
- Received and answered GRAMA requests.
- Notarized various documents

Business Administration:

Cody Cardon:

- Routine phone & computer problem resolution throughout the City.
- Routine management issues and resolution.
- Various meetings and trainings attended.
- Yearend accounting and financial audit prep.
- Working on WIFI Tower project.
- Working on Monthly Accounting.
- COVID-19 IT needs for City.
- CARES Act Funding

Stacey Comeau:

New Hires: Christopher Howell Police

Promotions: Bart Poll Public Works
Travis Gibson Public Works

Terminations: Kraig Cutkomp Fire

- Random drug testing for the month
- Virtually attended NUHRA Board Meeting
- Virtually attended NUHRA Training Meeting
- Virtually attended several meetings regarding Covid-19
- Processed semimonthly payroll
- Responded to job inquiries
- Updated Staffing Authorization Plan
- Prepared Employee Recognition
- Completed monthly payroll reconciliation
- Conducted exit interview with terminating/retiring employees
- Notarized various documents

- Responded to requests for RDA loan payoff and verification of employment, both verbally and in writing
- Prepared RDA loan disbursements
- Responded to inquiries on Purchase Assistance Program and RDA Loan Program
- Worked with various personnel to resolve issues and concerns

Chris Stone:

- Did preparation work for the virtual Veterans Day Program.
- Secured supplies to deal with COVID-19 sanitizing efforts.
- Cleaning of the Veterans Memorial.
- Worked to resolve livestreaming issue.
- Work done on the city website redesign.
- Covered for part-time custodial staff off sick or on vacation.
- Various updates to the city website and social media sites.
- Completed the city newsletter for November.
- Completed the employee newsletter for November.

Fire Department:

Chief Jared Sholly

Calls for Service 128 and 166 Vehicle Movements

Fires

Riverdale	Vehicle Fire Brush Fire
Ogden	Two House Fires

Total: 4

Rescue & Emergency Medical Service Incidents

56	EMS call, excluding vehicle accidents with injuries
12	Motor vehicle accident with injury
9	Motor vehicle accident without injury
1	High Angle Rescue
1	Swift Water

Total: 79

Hazardous Conditions

1	Carbon Monoxide
1	Attempted burning

Total: 2



Service Call

6 Assist Other

Total: 6

Good Intent Call

32 Dispatched and cancelled

Total: 32

False Alarm & False Call

5 False alarm or false call

Total: 5



Highlights:

- Rope Rescue Morgan County
- Vehicle Extrication
- Met with Ogden and Weber Fire District to discuss policies and reimbursement for Heavy Rescue program.
- Utah Search and Rescue meeting with Utah Region 1 to discuss regional funding to Heavy Rescue program this next year.
- Interlocal dissolved
- Bi-Weekly State of Utah EMS Meetings
- Bi-Weekly Dispatch Operational Meetings
- Monthly Weber County Fire Chiefs Meetings
- Operational Dispatch Protocol Committee
- COVID response meeting with the State of Utah

Police Department:

Patrol Report October 2020

Theft- Police were dispatched to Sportsman's Warehouse regarding a theft. Loss prevention had observed a male selecting and concealing merchandise. The suspect then failed to render payment and walked out of the store where he was stopped by loss prevention. The suspect admitted to the theft. The suspect was released and will be issued a summons for Felony 3 retail theft due to prior convictions.

Sex Offense- A Juvenile Corrections Officer in St. Anthony Idaho reported a possible sex offense that may or may not have occurred in Riverdale. Police attempted contact but was not able to speak with anyone. It is unknown if any actual crime occurred or where it occurred. The case was forwarded to investigations.

Retail Theft- Officers responded to JC Penney on a theft where the male fled in his vehicle. SOPD located and stopped the suspect. The suspect was found in possession of stolen clothing and also confessed under Miranda to the theft. The suspect was charged with retail theft.

Suicide - Officers responded to the I-15 overpass on Riverdale Road where a male was threatening to jump off the bridge. After trying to negotiate with the male for some time, the male jumped. He was transported to the hospital where he later passed away.

Drug offense- Officers conducted a traffic stop at 1300 W. Riverdale Road on a vehicle that just left Motel 6. A search of the vehicle yielded drugs and drug paraphernalia. One of the passengers consented to a search of his motel room and that yielded meth, marijuana and more paraphernalia. All persons involved will receive a summons to appear in court.

Vehicle Burglary- SOPD stopped a vehicle that was believed to be involved in vehicle burglaries. Property from the vehicle was recovered that belonged to a Riverdale resident. The suspect was charged with vehicle burglary.

Joyriding- Officers responded to a call where a vehicle ran off the road hitting a vehicle in a driveway and the driver fled. After further investigation, the driver was found to be a 13 year old male. The juvenile's parents responded to the home voluntarily upon the juvenile's return home and they advised the juvenile snuck out of the house and stole the car. The juvenile will be referred to juvenile court for numerous charges including Joyriding.

Vehicle Theft- Officers responded to Wal-Mart where a male reported his vehicle was stolen. The vehicle was entered NCIC. Video could not be obtained on this night and further investigation will be completed.

Psychiatric- Officers responded to a call where a female was having a schizophrenic episode and believed a neighbor's child was hers. The female was involuntarily committed at McKay Dee Hospital.

Trespass- Officers responded to a disturbance. The complainant reported that her brother was causing a disturbance and refused to leave. The brother left prior to police arrival.

Found Property- A Salon Centric employee reported that a large amount of marijuana was delivered to the business from Chicago. The marijuana was booked into evidence. There is no suspect information.

Failure to Yield- Officers attempted to stop a white Hyundai type SUV however the vehicle fled. No pursuit was initiated.

Disturbance- Officers responded to JC Penney where it was reported that a customer was being disorderly and bothering customers. The suspect was contacted and after speaking with him it was ultimately discovered that he was in possession of meth. The suspect was booked into the Weber County Jail on several charges.

Child Abuse- Officers contacted a female in reference to her ex-husband's sister physically disciplining her child. At this time the incident does not appear to be child abuse but rather discipline. Further follow up will be conducted.

Trespassing- Officers responded on a report of a male who had unlawfully entered someone's apartment. The male was taken into custody and was also found to have been the suspect on another burglary case where he entered the business as 4905 S 1500 W. causing extensive damage to the building by breaking a water pipe. The suspect was booked on several charges.

DV Assault- Officers responded on a call where a female had been assaulted by her boyfriend. The victim was transported to the hospital at her request where it was discovered she had fractures in her face. The victim was uncooperative with the investigation and would not provide any information as to the whereabouts of the suspect. Numerous attempts were made to find the suspect to no avail. This case was forwarded to investigations.

Suspicious Circumstance- Officers responded to the Speedway on a male who was in the bathroom for some time. The male was contacted and advised he fell asleep. No signs of drug use were found in the bathroom.

Trespassing- Officers were dispatched to 5900 S Weber Drive on a report of a transient male walking through people's property. The male was contacted on I-84 and advised not to trespass.

Attended Death- A 77-year-old female was found deceased at her residence. The female suffered from several health problems.

Investigations Report October 2020

Rape- A female reported she was forced to engage in sexual activity with a male. The suspect denied the allegations. Friends of the suspect stated the female voluntarily went into a bedroom with the male and that they went into the room to check on them. They reported the female

appeared to be consenting to the sexual conduct. This case is being screened by the Weber County Attorney's Office for criminal charges.

Forgery- A male stole a check from Cherry Creek Apartments Management. The male forged the check and attempted to cash the check at several locations. Detectives conducted follow up on the case. The suspect stated he received the check from a friend but suspected it was stolen. The suspect was charged with forgery.

Theft by Deception- A male purchased a trailer for \$4000.00 from a male. The suspect discovered the trailer was stolen when he attempted to register it. The trailer was found to be stolen by the person who sold the trailer. The suspect was charged with theft by deception.

Retail Theft- Detectives followed up on a retail theft where a male stole some shoes. The suspect confessed to the theft and was charged with a 3rd degree felony due to previous theft convictions.

Unlawful Sexual Activity with a Minor- Detectives followed up on a report of a juvenile female engaging in sexual acts starting at the age of 13 with an older male. The suspect admitted to engaging in sexual acts with the female when he was a juvenile, he has since turned 18. The juvenile wasn't cooperative with police. This case is being screened by the Weber County Attorney's office.

Retail Theft- Detectives followed up on a retail theft that occurred at Sportsmen's Warehouse. The suspect confessed to stealing a knife and was subsequently charged with retail theft.

Sexual Abuse of a Child- A juvenile female disclosed in an interview that her mother's, sister's, adult boyfriend kissed her and attempted to put his hands down her pants 2 times. The suspect denied the allegations. The case was referred to Weber County Attorney's Office to screen the case for charges.

Residential Burglary- Detectives followed up on a residential burglary. The suspect threw a rock through the window of a residence in order to gain access. CSI obtained fingerprints off the gate that leads to the back yard near the broken window. The fingerprints came back to a male that is now incarcerated for several burglaries. Detectives interviewed the suspect, but he denied the burglary. Due to the fingerprint evidence the suspect was charged with attempted residential burglary.

Child Endangerment- It was reported an adult female was smoking marijuana with a 15 year old boy that she was the guardian of. The suspect confessed to using drugs with the juvenile. The suspect was charged with child endangerment.

DV Aggravated Assault- Detectives followed up on a DV assault where a female was assaulted by her boyfriend. The victim suffered a fractured cheek bone. The suspect denied causing the injuries to the victim. The suspect was charged with Aggravated DV assault.

Check Forgery- A male reported his business checks were stolen in Clearfield and being used at the Riverdale Home Depot. Detectives identified the suspect and charged him with several counts of forgery.

Stolen Vehicle- Detectives conducted follow up on a reported stolen vehicle. A female was stopped in the vehicle in Salt Lake City. Detectives interviewed the female and she confessed she stole the vehicle from her ex-boyfriend.

Public Works Department:

- Continued new well investigative work.
- Continued work with Weber Basin to discuss alternatives for them providing additional water, instead of drilling well.
- Continued work and inspections on Coleman Farms.
- Continued Storm Water review to meet new state regulations.
- Continued design work on 1050 W Ritter Dr. Roundabout.
- Continued construction on River Park Drive roundabout landscaping upgrades.
- Continued inspections on Riverdale Retail.
- Continued Weber Basin Water connection project design.
- Continued inspections on Old Mill Prud.
- Started inspections on Panunzio Farms Prud.
- Completed landscape upgrade project at Civic Center.
- Continued water conservation plan update.
- Completed Fall Clean Up.

Community Services Department

Rich Taylor:

- Attended staff meetings
- Attended City Council meetings and monitored text line
- Held monthly departmental staff meeting
- Created monthly issue of Riverdale Connections
- Continued operating Community Center on a limited basis
- Started Girls Basketball Season
- Organized Paint Classes and the Community Center
- Organized and held the Riverdale Youth City Council Spook-A-Boo
- Continued sending employees to work with Public Works temporarily
- Helped cook and serve take-out lunches at the Senior Center
- Attended weekly URPA and meetings concerning Covid-19 operations guideline updates
- Worked on organizing Veteran's Day program
- Conducted survey of intramurals program
- Completed employee evaluations

Community Development Department:

- America First Credit Union, Admin Bldg – Above ceiling inspection
- Aarons restoration – Framing inspection
- Xfinity Store – Final inspection
- Coleman Farms Homes – Lot 36: Sewer lateral inspection
- Greenhill Apartments – Demolition inspection
- Panunzio Farms PRUD – Demolition inspection
- Old Mill Subdivision – Lot 2: Footings, foundation, and sewer lateral inspections; Lot 3: Footings, foundation, and sewer lateral inspections; Lot 11: Footings, foundation, and sewer lateral inspections
- New home on 600 West – Footings, foundation, plumbing, and temp power inspections
- Home inspections for various projects on residential lots
- Inspections of solar power equipment and installations
- Meeting with property owners, contractors, and developers to discuss project plans
- Building plan drawings and documents review
- Inspection of manufactured home placements in mobile home parks

- Fire inspections, sprinkler inspections, fire investigations, and associated fire checks for various businesses
- Pick-up of various signs in violation of sign ordinance
- Preapplication review meeting with Nick Wecker re: Old Best Buy site and subdiv concepts
- Preapplication review meeting with Logon Vogt re: Chick-fil-a Riverdale site plan amendment concepts
- Meeting with site contractor re: Zeppe's building discussion
- Meeting with Yeates Family re: Riverdale Senior Center project concerns
- Meeting with Maurissa Muha and team re: Raising Cane's site plan development
- Participated in Wasatch Choices Workshop and discussion with WFR
- Participated in presentation of Weber County Flood Study updates and final results
- Department heads meetings attendance by department member re: Current COVID-19 and city operations policies/activities
- Employees participated in and completed departmental evaluations
- Economic development opportunities update and discussion meetings
- Geographical Information Systems training participation by department member
- Weekly floodplain management updates training attendance by department member
- Fire alarm safety and maintenance training by department member

Fire Inspection / Code Enforcement Report: attached

Monthly report –Legal – Steve Brooks

Monthly report - October, 2020

Legal Dept., City Attorney - Steve Brooks:

- Resolutions/Ordinances work-
 - Legal work concerning - Nuisances, Parking, Subdivisions, Easements, Covid 19, Cares, Evals, Big horn, RDA (west bench), Landslide, SO lawsuit, Signs, Stevenson, Windstorm, Fire K, Code enforcement, Code changes, GRAMA, RDA loans, Animals, Zoning, Bankruptcies, Bach, Old mill, Greenhill, Court.
- Legal research/review -
- Legal Department meetings/work -
- Planning commission review/ordin/mtgs/minutes
- Walk-ins/Police reviews/Court/Court screenings/Court filings/ Annual reviews/Certif.
- Formal training attended-
- RSAC- Drug Court -
- Legal reviews of minutes/resolutions/ordinances
- Records request reviews

COURT MONTHLY REPORT

286 Total traffic cases	YTD 2484 (Jan. 1, 2020 to December 31, 2020)
0 DUI	161 Moving violations
0 Reckless/DUI red.	96 Non-moving violations
29 License violations	0 Parking
	0 FTA
	0 Other

27 Total Misdemeanor cases	YTD 382 (Jan. 1, 2020 to Dec. 31, 2020)		
0 Assault	0 Ill. sale Alc.	0 Dom. animal	1 Dom. violence
3 Theft	2 Other liq. viol.	0 Wildlife	14 Other misd./infrac
0 FTA	6 Contr. subst vio	0 Parks/rec.	
1 Public intox	0 Bad checks	0 Planning zon./Fire/Health	

245 Total cases disposed of this month	872 Total number of cases disposed of for the year (July 1, 2020 to June 30, 2021)
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314 Total offenses this month

1226 Total offenses for year (July 1, 2020 to June 30, 2021)

Small Claims Total number of cases for the year (Jan. 1, 2020 to Dec. 31, 2020) -- Filed=16 Settled/Dismissed=19

0 Cases filed

0 Trials

4 Settled/dismissed

0 Default judgment

CITATIONS BY AGENCY

YTD (July 1, 2020 to June 30, 2021)

Riverdale City 95

309

UHP 150

469

REVENUE/MISC.

YTD (June 1, 2020 to May 31, 2021)

Total Revenue collected \$ 53,768.58

\$ 132,780.40

Revenue Retained \$ 34,003.41

\$ 83,072.43

Warrant Revenue \$

\$ 23,818.00

Issued warrants 4

60

Recalled warrants 47

256

RSAC MONTHLY REPORT

12 participants

drug tests given

0 walked away/warrants issued

0 orientations

2 in jail/violations

1 ordered to inpatient

0 new participant

6 positive UA's/tests/dilutes 0 other

0 graduates

0 incentive gifts

0 terminated/quit

0 spice tests given

RIVERDALE POLICE DEPARTMENT

CRIME BULLETIN

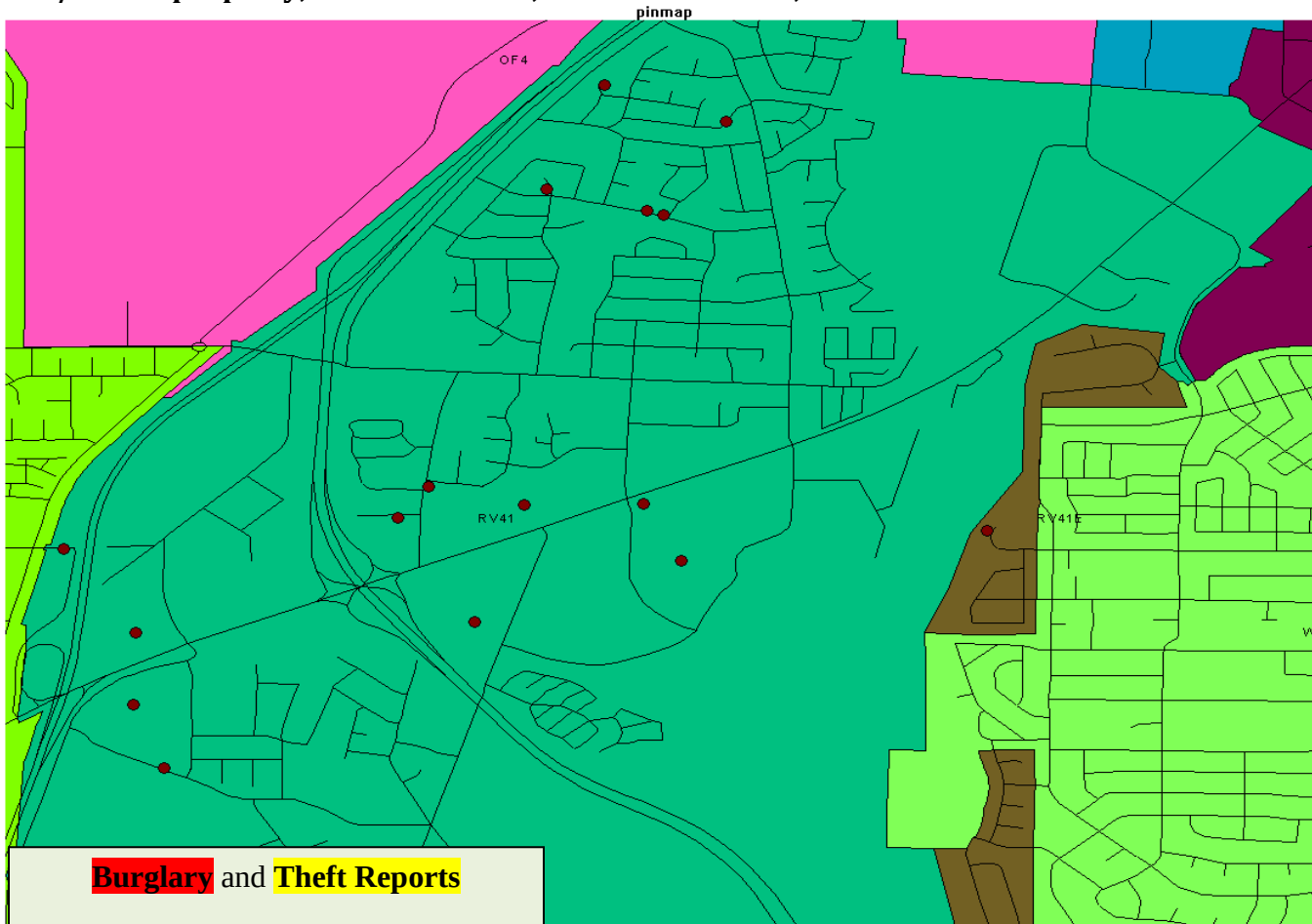
October 2020
Report #17-10

October Police Calls

- 1352 Calls for Service:
 - 26 Animal Complaints
 - 251 Crime Reports Written
 - 10 Forgery/Fraud
 - 18 Retail Thefts
 - 11 Assaults
 - 18 Drugs
 - 11 Family Offenses
 - 18 Burglary/Theft Complaints
 - 3 Stolen Vehicle Complaints
 - 9 Damaged Property
 - 46 Arrests



The remainder of calls involved disorderly Conduct, Suspicious Activities, Citizen Assists, Lost/Found property, Medical Assists, Warrant Services, etc.



POLICE LINE - DO NOT CROSS

POLICE LINE - DO NOT CROSS

POLICE LINE - DO NOT CROSS

POLICE LINE - DO NOT CROSS

POLICE LINE - DO

FOR LAW ENFORCEMENT USE ONLY!

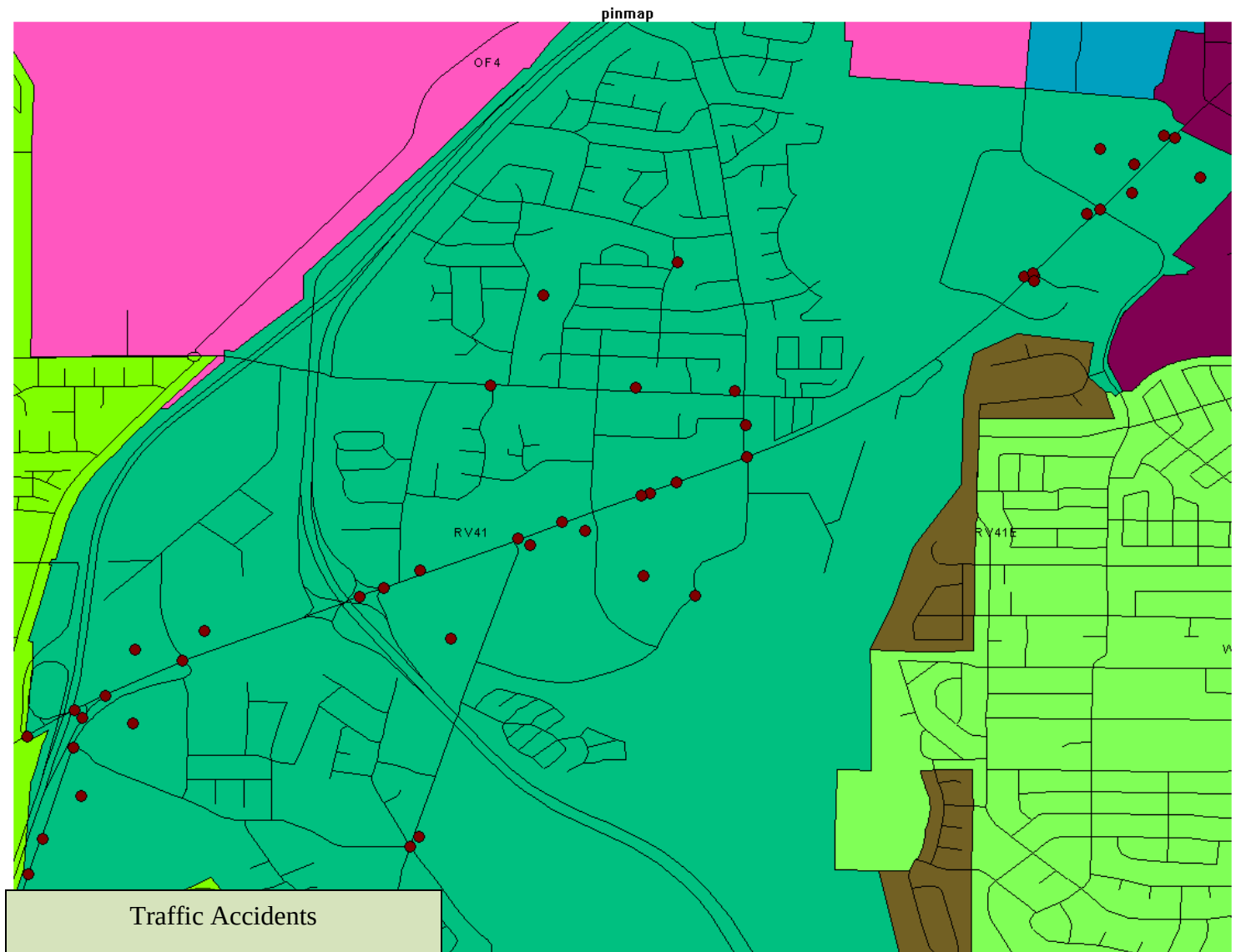
RIVERDALE POLICE DEPARTMENT

CRIME BULLETIN

October 2020
Report #17-10

Traffic Patrol and Enforcement

- **189 Traffic Stops resulting in:**
 - 148 Citations
 - 222 Total Violations
 - 74 Warnings Issued
- **67 Traffic Accidents**



- **30 New Cases sent to Investigations**
- **31 Investigative Cases Closed**
- **Value Reported Stolen \$14,613.87**
- **Value Recovered \$705.77**

POLICE LINE - DO NOT CROSS

POLICE LINE - DO NOT CROSS

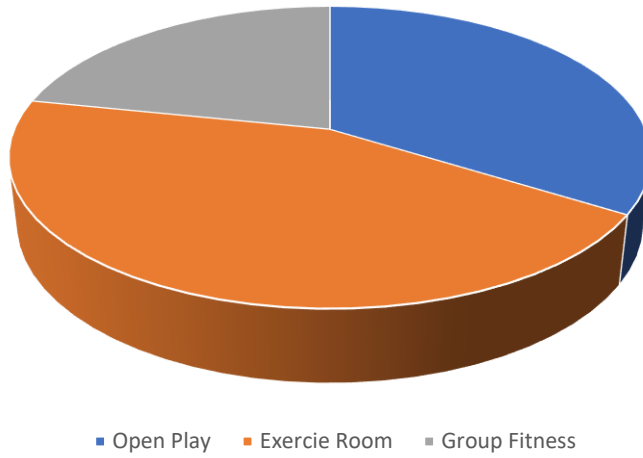
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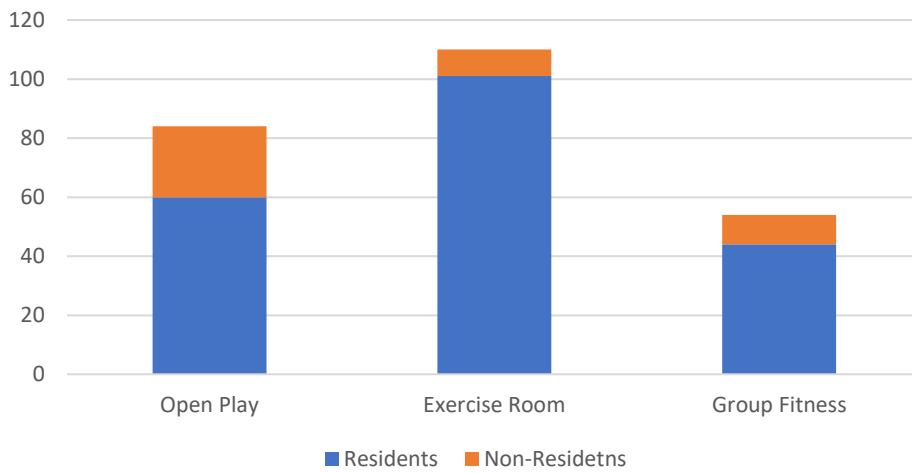
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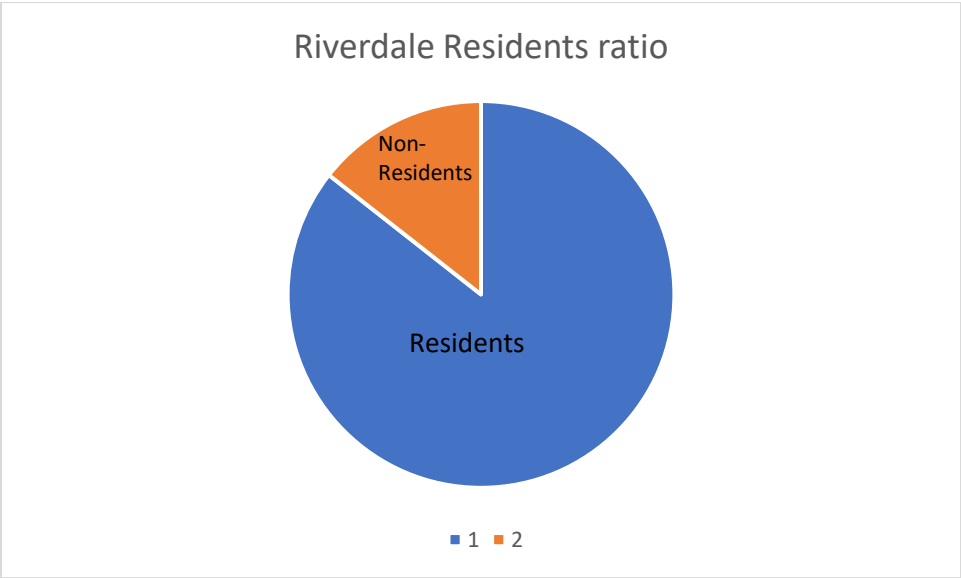
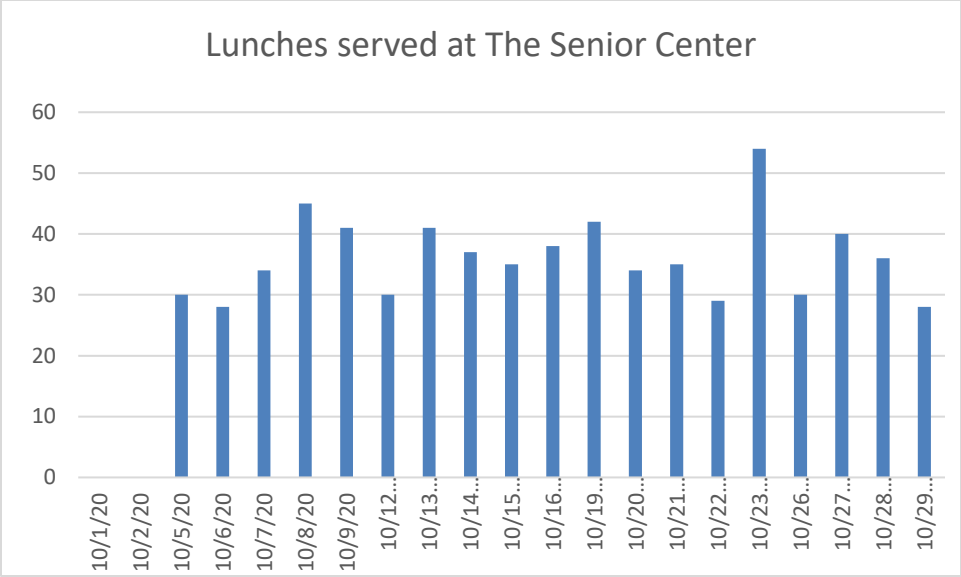
FOR LAW ENFORCEMENT USE ONLY!

Community Center Usage October 2020



Community Center Usage October 2020





Employee Recognition – November 2020 Anniversaries			
Years	Employee		Department
21		Earlene Lee	Legal
16		Steve Brooks	Legal
15		Joan Dailey	Legal
10		Derek Engstrom	Police
8		Nate Tracy	Fire
3		Kaleb Kasper	Community Services
1		Benjamin Dejong	Fire
1		Marcus Garcia	Fire



Staffing Authorization Plan

As of December 31, 2005		
Department	FTE Authorization	FTE Actual
City Administration	3.00	3.00
Legal Services	5.50	5.50
Community Development	3.50	3.50
Bus Admin - Civic Center	5.75	5.50
Bus Admin - Comm Services	10.00	6.75
Public Works	12.00	11.00
Police	26.00	26.00
Fire	11.50	12.75
Total	77.25	74.00

As of October 31, 2020		
Department	FTE Authorization	FTE Actual
City Administration	2.00	1.00
Legal Services	4.50	4.50
Community Development	3.00	3.00
Business Administration	6.25	6.25
Community Services	9.00	6.25
Public Works	10.00	10.00
Police	22.75	22.75
Fire	15.50	14.00
Total	73.00	67.75

Staffing Reconciliation - Authorized to Actual		
Department	FTE Variance	Explanation
City Admin	(1.00)	
Legal Services	0.00	
Bus Admin - Civic Center	0.00	
Community Development	0.00	
Community Services	(2.75)	
Bus Admin - Civ Ctr	0.00	
Public Works	0.00	
Police	0.00	
Fire	(1.50)	PT Firefighters unfilled
Totals	(5.25)	Staffing <u>under</u> authorization

Actual Full Time Employees	55.00
Actual Part Time Employees	43.00
Seasonal Employees	0.00



COMMUNITY DEVELOPMENT PROJECTS STATUS REPORT

November 12, 2020

ONGOING DEVELOPMENTS



Zeppe's Italian Ice construction is underway at their new location in The Crossing development at 785 W. 4450 S.



Scandinavian Designs Furniture is moving forward to open a store in the old Babies-R-Us space at 4042 S. Riverdale Road. Interior construction of the building has started.



Northrop Grumman is constructing a new facility that will add up to 2,500 new jobs to the area. The building is located on Hill Air Force Base land but within the city boundary of Riverdale City.



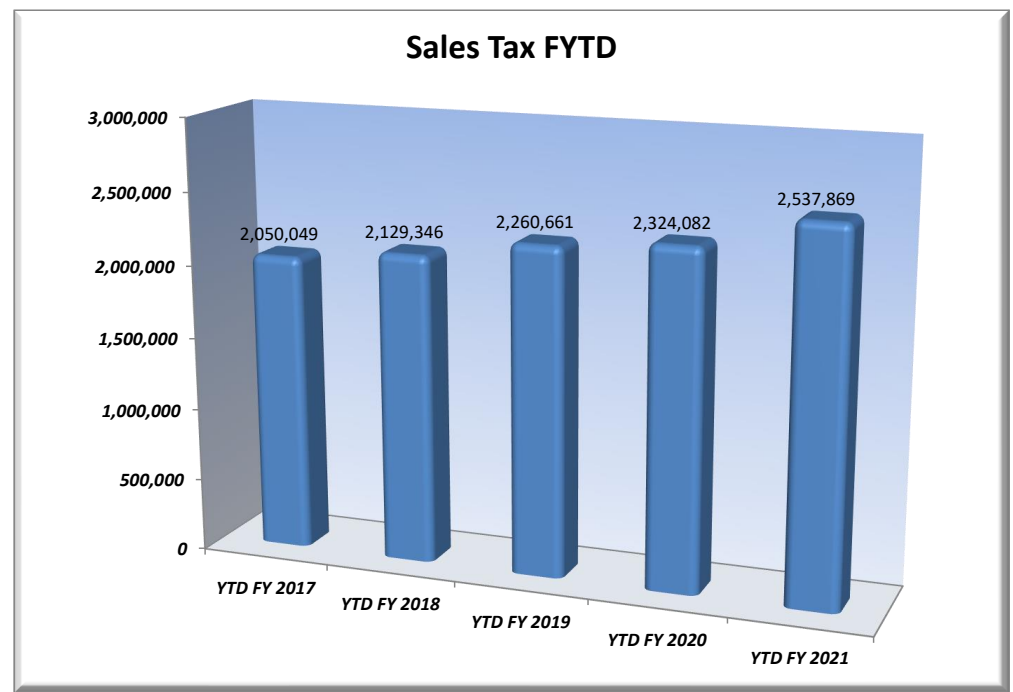
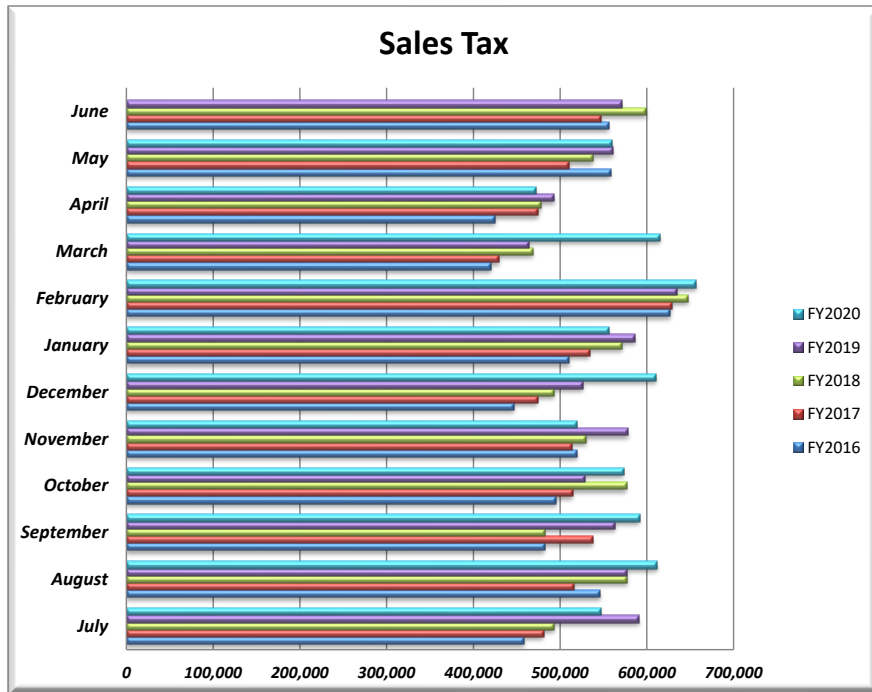
Five Below discount retail store will open in the former Pier 1 Imports location at 1087 W. Riverdale Road.



Raising Cane's Chicken Fingers will build a new restaurant at 4168 S. Riverdale Road.



**RIVERDALE CITY
SALES TAX REPORT
AS OF OCTOBER 31, 2020**



Sales Tax	July	August	September	October	November	December	January	February	March	April	May	June	Totals
FY2017	481,004	516,215	538,062	514,769	513,312	473,968	533,991	628,904	430,061	474,567	510,239	547,592	6,162,684
FY2018	492,789	577,720	482,284	576,553	530,387	492,763	571,906	647,775	468,676	478,270	537,682	599,204	6,456,007
FY2019	591,419	576,907	563,499	528,836	578,794	526,228	586,556	634,811	464,253	493,348	560,967	571,607	6,677,225
FY2020	546,902	612,157	591,696	573,327	519,064	610,719	556,867	657,308	615,264	472,239	559,456	509,039	6,824,038
FY2021	635,065	659,853	632,737	610,213									2,537,869

Sales Tax FYTD	YTD FY 2017	YTD FY 2018	YTD FY 2019	YTD FY 2020	YTD FY 2021
	2,050,049	2,129,346	2,260,661	2,324,082	2,537,869

**RIVERDALE CITY
MONTHLY UTILITY REPORT
FOR MAYOR & CITY COUNCIL
OCTOBER 2020**

Water Fund

	Total Gallons Used (in thousands)	Total Billings	Total Customers Billed	Average Gallons used Per Customer (in thousands)	Average Bill Per Customer
Residential	45,195	\$ 63,765	2,160	21	\$ 29.52
Commercial	38,019	\$ 64,088	251	151	\$ 255.33

Sewer Fund

	Total Billings	Total Customers Billed	Average Bill Per Customer
Residential	\$ 54,598	2,138	\$ 25.54
Commercial	\$ 44,212	218	\$ 202.81

Storm Water Fund

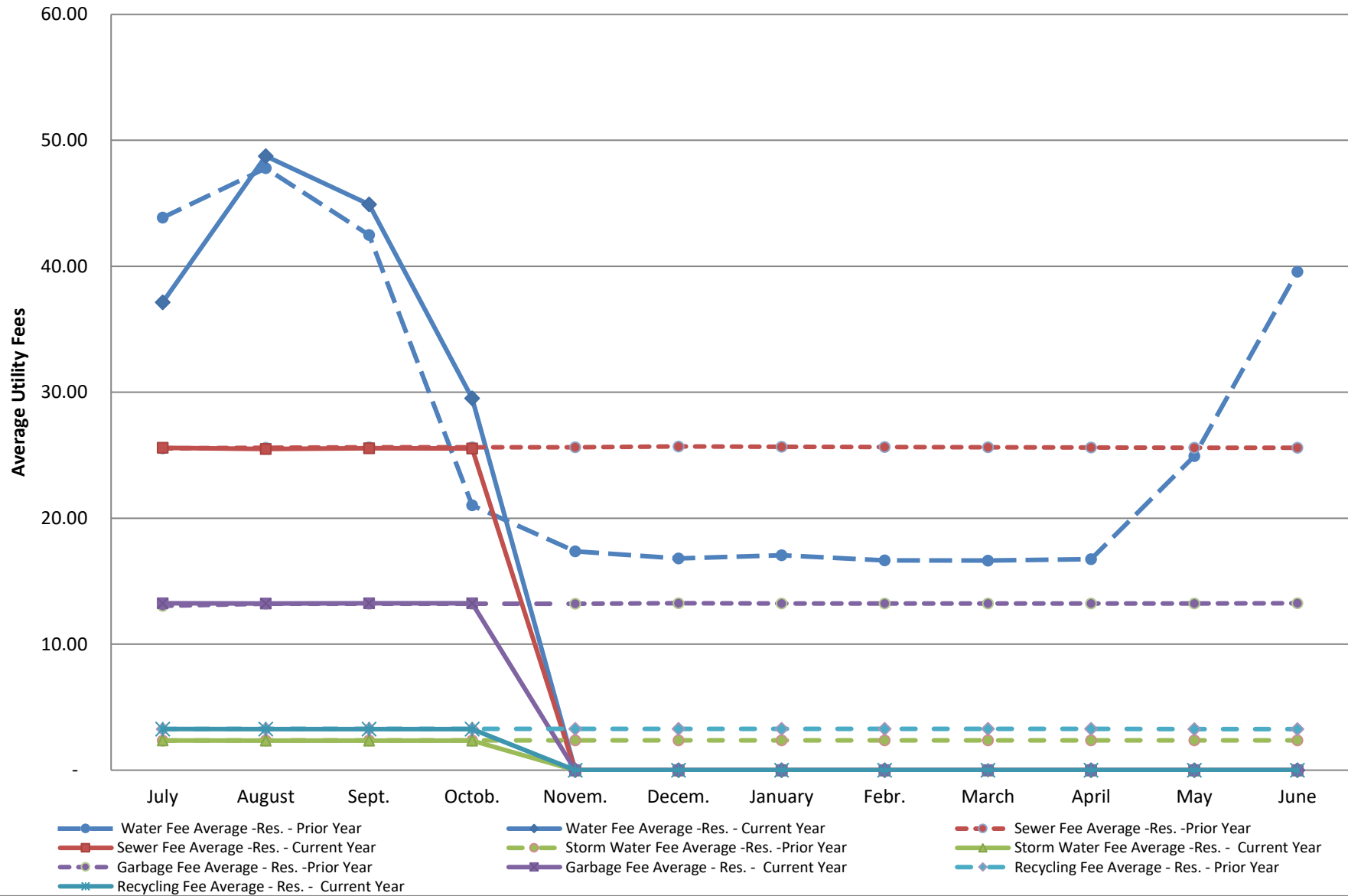
	Total Billings	Total Customers Billed	Average Bill Per Customer
Residential	\$ 5,078	2,157	\$ 2.35
Commercial	\$ 13,992	189	\$ 74.03

Garbage Fund

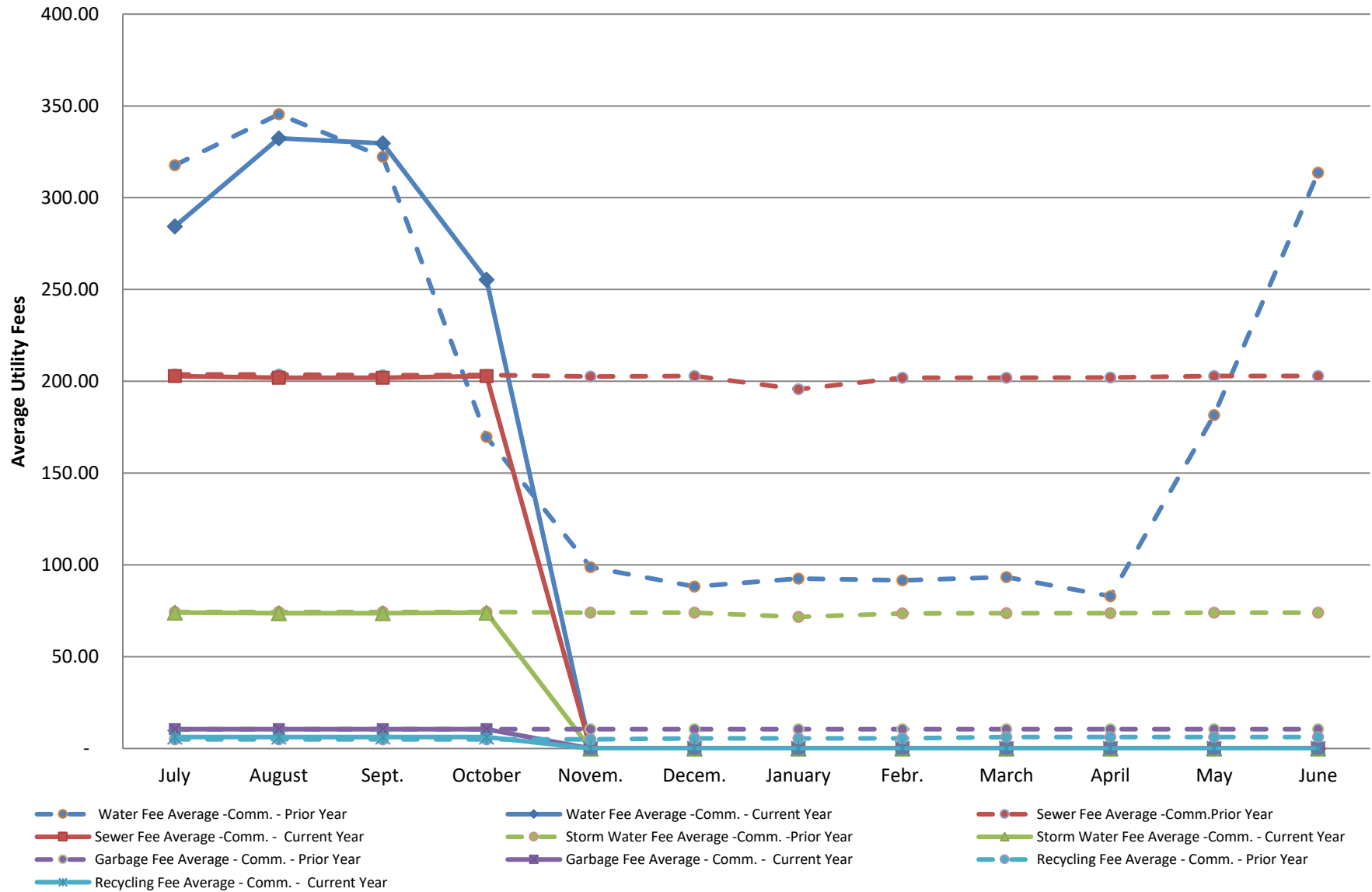
	Total Billings	Total Customers Billed	Average Bill Per Customer
Residential - Garbage	\$ 28,098	2,121	\$ 13.25 *
Residential - Recycling	\$ 5,846	1,791	\$ 3.26
Commercial - Garbage	\$ 21	2	\$ 10.52 *
Commercial - Recycling	\$ 19	3	\$ 6.24

* Some garbage utility customers have more than one garbage can, this is an average of all customers.

Residential Average User Fees Fiscal Year 2020 & 2021



Commercial Average User Fees Fiscal Year 2020 & 2021



**RIVERDALE CITY
CITY COUNCIL AGENDA
November 17, 2020**

AGENDA ITEM: F1

SUBJECT: Consideration of meeting minutes.

PRESENTER: Shalee Nay, City Recorder

INFORMATION: a. [November 4, 2020 City Council Work Session](#)
b. [November 4, 2020 City Council Regular Session](#)

[BACK TO AGENDA](#)

Minutes of the **Work Session** of the **Riverdale City Council** Tuesday, November 4, 2020 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 Brent Ellis, Councilmember Alan Arnold, Councilmember Bart Stevens, Councilmember – 5:32 p.m. Steve Hilton, Councilmember
City Employees:	Steve Brooks, City Attorney/Acting City Administrator Bill Cobabe, City Administrator Scott Brenkman, Police Chief Cody Cardon, Business Administration Jared Sholly, Fire Chief Rich Taylor, Community Services Shawn Douglas, Public Works Shalee Nay, City Recorder

The Work Session meeting began 5:30 p.m. Mayor Searle welcomed the Council Members stating for the record that all Councilmembers were present along with members of city staff.

Public Comment:

There were no known public comments.

Presentations and Reports:

Mayor Searle stated that he will do his Mayor's report during the Regular meeting at 6:00p.m.

Consent Items:

Mayor Searle invited any corrections or comments for the work session and regular meeting minutes for the City Council Meeting held on October 20, 2020. There were multiple corrections needed.

Action Items:

Mayor Searle invited discussion regarding the first action item, Consideration of Ordinance 927, approving updates on previous Ordinance to meet current water demand requirements.

Shawn Douglas, Public Works, went over the executive summary which explained, Based on work done with Hansen, Allen & Luce we have determined that the amount of water required for each ERC in Riverdale is .91 acre feet per year. An ERC is defined as an Equivalent Residential Connection. The state now requires that we analyze each new development to make sure we have enough water capacity and water storage capacity. By requiring the new developments to bring water rights with them we will help keep our water costs lower. I would recommend we make this change at this time. We need to continue to review and study our water capacities and make changes as needed based on the types of new growth.

Mayor Searle invited discussion regarding the second item, Consideration of Resolution 2020-23, to approve employment contract for Riverdale City Administrator.

Mayor Searle stated that Mr. Cobabe has agreed to the changes within the contract that the Council requested during the last City Council meeting. Steve Brooks, Stacey Comeau and himself worked on the new contract to reflect amendments needed, and now it is going to the Council tonight to their discussion and approval.

Councilmember Arnold asked what Performance Bonuses are, that is listed in the contract. He also stated that the Car Allowance listed in the contract is a bit excessive. In the past, City Administrator were provided with a vehicle. Due to misuses of said vehicles, the city decided to go with a car allowance. He then noted that on the salary, it states that the salary shall not be decreased unless all other employees' salary is decreased. He stated that if in the future Riverdale comes upon hard times, or the taxes change, that could put the city in a hard spot. He noted that he would be more comfortable with Management Employees having something like this implemented, but not all employees. Councilmember Arnold then stated that the part of the contract that states 'If the city were to fail to renew the contract, then that counts as a termination'. He stated that he is not in favor of that, and that it would be a hefty penalty for the city. He noted that he will not be voting in favor of this contract as it stands right now, and that it is still too excessive.

City Council Work Session Meeting, November 4, 2020

Mayor Searle asked Steve Brooks to go over the Performance Pay. Steve Brooks, City Attorney / Acting City Administrator, stated that he adjusted this part. He noted that the Performance Pay is given at the end of the year as a reward for hard work. It is based off the employee's evaluations.

Councilmember Mitchell asked Mr. Cardon if the City Administrator were to go to a conference in Saint George, would they receive extra money for fuel. Cody Cardon stated that the monthly allowance covers all trips and that they do not receive any additional funds for fuel.

Mayor Searle invited discussion regarding the third action item, Consideration of Resolution 2020-24, finding that certain Riverdale City employees are "substantially dedicated" for mitigating or responding to the COVID19 public health emergency.

Cody Cardon went over the executive summary which explained It appears that part of the CARES funds being distributed to Riverdale City can be used to pay the salary and benefits of employees who qualify as "substantially dedicated" to dealing with fighting the Corona Virus. It is the staffs position that we use a portion of those funds to off-set the costs and expense to the city to employ these individuals in ways that have never been contemplated and/or deviate from the standard duties and procedures used in the city prior to the infestation of the virus. Money not used for the standard salary purposes could then be used and directed in other ways, to be determined by the Council in future budget amendments.

Councilmember Mitchell asked which employees this would fall under if it is certain ones or all positions. Mr. Cardon noted that this would be for Police and Fire. Due to the extra time needed to help cover needs on Ambulance/Fire and Police. The funding is going toward those employees to help alleviate the costs from COVID19.

Mayor Searle stated that he would like to go over the documents and the Resolution with Cody, Steve, and Bill. This way they can all make sure that everything is done correctly. With the County warning all municipalities of how detailed this needs to be, he wants to really be careful and make sure it is all correct before submitting.

Mayor Searle invited discussion regarding the fourth action item, Discussion/Consideration/Action on wild animal control within the city.

Mayor Searle suggested this item be discussed during the regular meeting.

Discretionary Items:

There were no discretionary items.

Adjournment:

Having no further business to discuss the Council adjourned at 6:09 p.m. to convene into their Regular City Council Meeting.

Minutes of the Regular Meeting of the Riverdale City Council held Wednesday, November 4, 2020, 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
Bart Stevens, Councilmember
Steve Hilton, Councilmember

City Employees: Steve Brooks, City Attorney/Acting City Administrator
Bill Cobabe, City Administrator
Scott Brenkman, Police Chief
Shawn Douglas, Public Works
Rich Taylor, Community Services
Cody Cardon, Business Administrator
Jared Sholly, Fire Chief
Shalee Nay, City Recorder

A. Welcome & Roll Call

The City Council meeting began at 6:09 p.m. Mayor Searle called the meeting to order and welcomed all in attendance, including all Council Members, City Staff, and all members of the public.

B. Pledge of Allegiance

Mayor Searle invited Councilmember Ellis to lead the Pledge of Allegiance.

C. Moment of Silence

Mayor Searle called for a moment of silence to remember all of those who are serving our country and all our first responders. Also, to keep in mind our Councilmembers, that they may serve the residents by making the best decisions for the city tonight. He noted that there are four new cases of COVID19 in Riverdale City, and to please keep them in your thoughts.

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. There was no public comment made.

E. Presentations and Reports

1. Mayors Report

Mayor Searle noted that the Veterans Day program will not be held in person this year. Instead, we have made a video containing clips of each segment. The video will be like the normal in person event and it is going to be posted on Facebook, along with YouTube. This will give residents the chance to view it at any time.

F. Consent Items

1. Consideration to approve the City Council meeting minutes from: October 20, 2020 Work Session and Regular Session.

Mayor Searle invited any corrections or comments regarding the above referenced meeting minutes. There was an amendment requested.

MOTION: Councilmember Mitchell moved to approve the meeting minutes as amended. 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 Ordinance 927, approving updates on previous Ordinance to meet current water demand requirements.

Shawn Douglas, Public Works, went over the executive summary which explained, Based on work done with Hansen, Allen & Luce we have determined that the amount of water required for each ERC in Riverdale is .91 acre feet per year. An ERC is defined as an Equivalent Residential Connection. The state now requires that we analyze each new development to make sure we have enough water capacity and water storage capacity. By requiring the new developments to bring water rights with them we will help keep our water costs lower. I would recommend we make this change at this time. We need to continue to review and study our water capacities and make changes as needed based on the types of new growth.

MOTION: Councilmember Mitchell moved to approve Ordinance 927 as stated within the packet. Councilmember Hilton seconded the motion.

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

ROLL CALL VOTE: All voted in favor. Motion passes.

2. Consideration of Resolution 2020-23, to approve employment contract for Riverdale City Administrator.

Mayor Searle went over the executive summary which explained, with the passing of our previous city administrator, it has come time to hire and approve a contract for the new administrator. Riverdale City and the FWC now desire to have the employment agreement between them reduced in writing for the period and under the terms of said agreement; and by doing so will promote the health, safety and the general welfare of the City and community at large.

MOTION: Councilmember Ellis moved to un-table this item; Councilmember Mitchell seconded the motion. Motion passes, item is un-tabled.

Mayor Searle invited discussion regarding the motion. There was not a discussion. Councilmember Arnold noted that Councilmember Stevens is having issues logging back into the meeting, and we should wait until he is present.

Councilmember Arnold stated that the way the contract is written now, he will not be voting in favor. Councilmember Stevens was able to get his computer up and running and was now back in the council meeting.

Councilmember Mitchell stated that he would like to see Section 7-1-D removed. He noted that he does not agree that if the city fails to renew this contract, that it would be the same as a termination. Councilmember Arnold agreed.

Councilmember Arnold stated that he does not agree with anything longer than three months' severance. Anything exceeding three months is a golden parachute and does not benefit the city in any way. He would also like to see the COBRA and Retirement pay be removed as well. He asked about the car allowance. Mr. Cardon explained that they found it more beneficial to do a monthly allowance in place of providing a vehicle. Councilmember Mitchell stated that he is fine with keeping COBRA in the contract because during hard times, it can be very difficult to find health benefits.

MOTION: Councilmember Mitchell moved to approve Resolution 2020-23 authorizing agreement for employment with discussed changes, including 7-1-D being removed. Along with having three months' severance instead of six, as well as keeping COBRA insurance but striking paying retirement that is listed in contract. Councilmember Ellis seconded the motion.

Mayor Searle invited discussion on this motion. There was no discussion on the motion.

ROLL CALL VOTE: All voted in favor. Motion passes.

3. Consideration of Resolution 2020-24, finding that certain Riverdale City employees are "substantially dedicated" for mitigating or responding to the COVID19 public health emergency.

Cody Cardon, Business Administration, went over the executive summary which explained, It appears that part of the CARES funds being distributed to Riverdale City can be used to pay the salary and benefits of employees who qualify as "substantially dedicated" to dealing with fighting the Corona Virus. It is the staffs position that we use a portion of those funds to off-set the costs and expense to the city to employ these individuals in ways that have never been contemplated and/or deviate from the standard duties and procedures used in the city prior to the infestation of the virus. Money not used for the standard salary purposes could then be used and directed in other ways, to be determined by the Council in future budget amendments.

MOTION: Councilmember Arnold moved to approve Resolution 2020-24, with approval from Mayor Searle after the discussion regarding this item with staff, Councilmember Mitchell seconded the motion.

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

ROLL CALL VOTE: All voted in favor. Motion passes.

4. Discussion/Consideration/Action on wild animal control within the city.

Scott Brenkman, Police Chief, he stated that this item was discussed during a previous meeting. He stated that he still stands with what he stated during that previous meeting. He noted that there were phone calls made to surrounding cities, and none of those cities provides wild animal control. He stated that there are people for hire that the residents may contact. But the city should not have to pay those hefty costs. He stated if the council wants to approve the city providing these services, then there should be at least a \$50.00 fee attached with that service. He noted that these matters should be left to the professionals that have the proper equipment to handle wild animals. He stated that even when hiring a professional service, that if there are any issues or the animal bites the person, then that large fee becomes even larger. He noted that he believes that it should be left to residents to take care of these issues.

Steve Brooks, City Attorney, stated that he had made some phone calls to companies that provide these services to see if he could get a quote for the city to have them contracted with them to provide this service to the Riverdale City residents. He noted that none of the companies got back in touch with him. However, he did state that Chief Brenkman is correct, those fees are very expensive.

Councilmember Mitchell stated that he was the initial person who requested this item to be addressed. He noted that this has been a big complaint that he often hears from residents. He stated that he just wanted to see if there was anything the city could do to help with those residents that are dealing with these wild animals.

Chief Brenkman noted that DWR has instructions for residents to help them dispose of the wild animals themselves. He stated that he lives in an area that has racoons and skunks, and he deals with them himself. These animals are habitual and that they will always come back. He noted that the previous animal control officer went out and tried to catch a racoon and It was not sedated as she thought, and she ended up having to get a series of rabies shots.

Mayor Searle stated that there was an issue with a wild animal. He borrowed a trap from the police station so he could take care of the issue. He then called Pest Control to dispose of the animal, it had taken awhile for them to do so. He noted that Pest Control charged him \$400.00 to dispose of the animal. He stated that he thinks the city needs to be careful when it comes to issues such as this, to avoid any incidents that involve private property. He noted that providing a service like this may open other doors for the city to provide other private property issues.

Councilmember Arnold stated that he believes it would be a good idea for the city to provide traps that the residents may borrow. This way the city is showing effort to help, and it leaves the issue in the hands of the resident and not the city. He also noted that the residents that he spoke with, the main complaint was they did not know what to do. He requested that we could put contact information for the companies that help with these issues and state that we have traps for borrow on the city website.

Councilmember Stevens stated that he has heard of complaints from the residents on this subject as well. He noted that Chief Brenkman provided numbers during a previous meeting on disposal of these animals. Also, there have been traps loan out to the residents for them to take care of the issues themselves. He stated that he believes that if we are going to consider providing traps, that we as a city should have a fee attached to that service. Also, make sure that there is a log taken, this way we make sure we get our traps back. He noted that there are skunks and there are racoons, but they are wild life. He stated that if we are going to provide this, then we need to broadcast this, this way all residents can have this service, instead of just a certain area. He believes that his is not an area that the city wants to go and that we need to be cautious on handling anything that deals with private property.

Mayor Searle asked if we have a consensus on providing traps to borrow for city residents. Councilmember Arnold stated that he believes that there should not be a fee required with borrowing the traps but a log to track which resident borrows a trap.

Consensus from Councilmember Mitchell, Ellis, Arnold, and Hilton. Councilmember Stevens is opposed.

H. Discretionary Items

Bill Cobabe, City Administrator, introduced himself to the council and city staff that was present. He spoke about his family and previous employment. He noted that he is very excited to be working with Riverdale City.

I. Adjournment.

MOTION: Having no further business to discuss, Councilmember Mitchell made a motion to adjourn. The motion was seconded by Councilmember Arnold; all voted in favor. The meeting was adjourned at 7:34 p.m.

Norm Searle, Mayor

Shalee Nay, City Recorder

Date Approved:

**RIVERDALE CITY
CITY COUNCIL AGENDA
November 17, 2020**

AGENDA ITEM: G1

SUBJECT: Consideration of Ordinance 928, approving a small subdivision plat for the proposed 1050 West Lot 1 Amended Subdivision plat.

PRESENTER: Mike Eggett, Community Development

INFORMATION:

- a. [Exec Summ 1050 West Lot 1 Amend Small Sub – CC \[20201117\]](#)
- b. [Ordinance 928](#)
- c. [1050 West Lot 1 Amend Small Sub Plan CC Review – 20201112](#)
- d. [Dept Staff Reports – CC 1050 West Retail Lot 1 Amend Sub Plat](#)
- e. [1050 West Lot 1 - City Eng Plat review #2 – 11 Nov, 2020 – Approval](#)
- f. [App Update 1050 West Lot 1 Amend Small Sub – 20200929](#)
- g. [02_CCA Joann’s Subdivision Comment Response Letter](#)
- h. [01_RMRE 1050 West Retail Lot 1 Amended Subdivision_1st resubmittal_10-28-20 _signed](#)

[BACK TO AGENDA](#)



City Council Executive Summary

For the Council meeting on: 11-17-2020

Petitioner: Anderson Wahlen & Associates,
Inc./CCA (Kornwasser Group)
Represented by Jake Tate

Summary of Proposed Action

CCA (Kornwasser Group), as represented by Jake Tate, have applied for an amended small subdivision plat review and approval for the RMRE 1050 West Retail Lot 1 Amended Subdivision proposal located at approximately 4978 South 1050 West in a Retail/Commercial Park Overlay (RCP) zone. On October 13, 2020, the proposed amended small subdivision plat was reviewed for a recommendation to City Council by the Planning Commission. At the conclusion of the discussion, the Planning Commission, approved the small subdivision amended plat and thereafter provided a favorable recommendation to City Council to approve the proposed subdivision plat amendment. A public hearing is not required for review of this proposed subdivision. Following the presentation and discussion of the final amended plat proposal, the City Council may make a motion to approve the proposed amended small subdivision plat, approve with additional requirements and criteria, or not approve the proposed RMRE 1050 West Retail Lot 1 Amended Subdivision plat with the appropriate findings of fact. Should this proposal receive final approval, the proposed amended small subdivision plat could move forward and start the process to advance to the Weber County Recorder's office to record the subdivision amendment.

Title 10 Ordinance Guidelines (Code Reference)

This Commercial Amended Small Subdivision Plan review is regulated under City Code 10-21 "Subdivisions" (specifically 10-21-12 for Small Subdivisions) and is affected by City Codes 10-10A "Regional Commercial (C-3) Zone", 10-14 "Regulations Applicable to All Zones", 10-15 "Parking, Loading Space; Vehicle Traffic and Access", and 10-25 "Development in All Zones".

The petitioner's properties are currently listed in the County Records under the ownership of FC Riverdale Shopping Center, LLC. These properties are currently partially developed with one large building (Joann's) and partially undeveloped with the intent to divide the parcel into two lots (one for the existing business location including undeveloped property and the other lot for a large undeveloped parcel). The CCA group recently acquired this property from the Boyer Group.

Attached with this executive summary is a supplementary document addressing items on the Preliminary Site Plan application and as directed by 10-21 of the City Code. Also attached, following this executive summary, are comments from the contracted City Engineer, Public Works Department, Fire Department, and Police Department. The City Council should discuss these summaries and any noted Planning Commission and/or staff concerns.

Staff encourages the City Council to review this matter, including concerns outlined herein, and then discuss with the petitioner concerns associated with this application. Staff would then recommend that the City Council take action and may make a motion to approve the proposed amended small subdivision plat,

approve with additional requirements and criteria, or not approve the proposed RMRE 1050 West Retail Lot 1 Amended Subdivision plat with the appropriate findings of fact.

General Plan Guidance (Section Reference)

The General Plan use for this property is currently set as "Planned Commercial - High" and this proposed subdivision complies with this land use designation.

Legal Comments - City Attorney

Steve Brooks, Attorney

Administrative Comments - City Administrator

Bill Cobabe, City Administrator



ORDINANCE NO. 928

AN ORDINANCE CREATING A SUBDIVISION AND APPROVING A SITE PLAN KNOWN AS THE "CCA JOANN'S SMALL SUBDIVISION", IN THE CITY OF RIVERDALE, WEBER COUNTY, STATE OF UTAH AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, The City of Riverdale (hereinafter "City") has received a request for a proposed small subdivision located at approximately 1050 West Lot 1, known as the CCA Joann's subdivision, at the request of AWA Engineering, (herein Petitioner), of a certain parcel of land hereinafter described in detail on the attached Exhibit(s); and

WHEREAS, Petitioner desires to subdivide the current said parcel into parcels of land and to record the boundaries between the pieces in order to make distinct lots; and

WHEREAS, the petitioner has complied with all the requirements set forth in Utah Code and the Riverdale City Code (Title 10 Chapter 8 and Title 10 Chapter 21 Section 12) concerning subdivision creation; and

WHEREAS, the petitioner of the said parcel of land, has received a recommended approval of said subdivision and amended site plan from the Riverdale City Planning Commission (11/17/2020) so long as all staff concerns were addressed, was approved; and

WHEREAS, the City now desires to approve the amended site plan and formally recognize and order that said subdivision be recorded with the Weber County Recorder's Office; and

WHEREAS, it is in the best interest of the City to allow the proposed subdivision and to do so will promote health, safety and the general welfare of the community; and

NOW THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RIVERDALE:

Section 1. Subdivision Plat. Be it hereby ordained by the Riverdale City Council that the site, located at approximately 1050 West, Lot 1, Riverdale, Weber County, Utah, be divided into lots, creating the "CCA Joann's Subdivision Small Subdivision", pursuant to the attached description and maps, as set forth on the attached Exhibit(s).

Section 2. That said subdivision be recognized and recorded in the Office of the Weber County Recorder.

Section 3. That the City Council does hereby approve the site plan for the same parcel(s) of land.

Section 4. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. This ordinance shall take effect immediately upon its adoption and posting.

PASSED, ADOPTED, AND ORDERED POSTED this _____ day November, 2020.

Norm Searle
Riverdale City Mayor

Attest:

Shalee Nay
City Recorder

Exhibit A

(Plat)

Exhibit B

LEGAL DESCRIPTION

Amended Small Subdivision Review – RMRE 1050 West Retail Lot 1 Amended Subdivision, 4978 South 1050 West

Completed by Mike Eggett, Community Dev. Director on 10/5/2020 and 11/12/2020

Recommendation: City staff recommends that the City Council examine and review this proposed amended small subdivision review. Items of consideration or note have been highlighted in yellow for potential discussion purposes. City staff recommends that the City Council act accordingly to approve the amended small subdivision proposal, approve the amended small subdivision plat with additional comments or concerns to be addressed by the developer, or not approve the amended small subdivision plat proposal for the RMRE 1050 West Retail Lot 1 Amended Subdivision project.

Date Plan Submitted to City: (Must be at least two weeks prior to Planning Commission meeting)	Sept. 29, 2020 and update on Oct. 28, 2020
Date Application Submitted to City:	September 29, 2020
Date Fee Paid:	Paid on September 29, 2020 (see application and receipt for details)
Subdivision/Site Plan – Requirements	Departmental Review Comments
COVER SHEET	Not applicable
PLAT SHEET	Provided
Title Block	
Project name and address	Project name shown and addresses shown
Property Owner's name, address, and phone number	CCA (Kornwasser) Acquisition Company, 5670 Wilshire Boulevard, Suite 1250, Los Angeles, California 90036; 323-965-1510
Developer's name, address, and phone number	CCA (Kornwasser) Acquisition Company, 5670 Wilshire Boulevard, Suite 1250, Los Angeles, California 90036; 323-965-1510
Approving Agency's name and address	Riverdale City, 4600 So. Weber River Drive, Riverdale, Utah 84405
Consulting Engineer's name, address, and phone number	Anderson Wahlen & Associates, 2010 North Riverdale Road, Salt Lake City, Utah 84116, 801-521-8529

Consulting Engineer's stamp, signature, and license expiration date	Anderson Wahlen & Associates, 2010 North Riverdale Road, Salt Lake City, Utah 84116, 801-521-8529; engineer's stamp and signature not needed
Licensed Land Surveyor's name, address, phone number, signature, and seal	Anderson Wahlen & Associates, 2010 North Riverdale Road, Salt Lake City, Utah 84116, 801-521-8529; surveyor's seal shown and signature provided
Date	Date lines provided – submitted on 9/29/2020 and 10/28/2020
Sheet number and total sheets	1 total sheet (just the plat)
Names of approving agents with titles, stamps, signatures, and license expiration dates	Names of approving agents, titles shown; <u>may need to include utility company blocks where requested/required</u>
Names of approving departments (Attorney, Planning Commission, Mayor, Engineer)	Shown on plat
<u>Layout</u>	
Street Names	Shown – 1050 West and River Park Drive
Layouts of lots with lot numbers	2 lots shown, addresses shown on plat
Bearings and distances for all property lines and section ties	Shown, defer to City Engineer review
Boundary and Legal description	Shown, defer to City Engineer review
Adjacent tract ownership and tax identification numbers	Tract ownership names and tax ID shown
Scale (minimum 1"=50')	Yes, scale is shown as 1" = 80'
North arrow	Yes
Owner's dedication certificate for subdivision (Notary Acknowledgement)	Yes, shown
Landscaping (location and type with area calculations)	No landscaping plan shown nor required for this existing subdivision due to no change to site plans
Location of exterior lighting devices, signs, and outdoor advertising	Exterior lighting devices (street lights) not shown; no anticipated subdivision signage locations shown, if applicable
Location of underground tanks, dumpsters, etc	No underground tanks shown for this site; no need to identify dumpsters for this subdivision
<u>Additional Information</u>	
Benchmark	Shown, defer to City Engineer review
Basis of bearings	Shown, defer to City Engineer review
Legend	Yes, shown

Existing easements, structures, and utility lines: Approval to cross, use, or relocate	Existing easements identified and shown; existing structures on site shown; existing utility lines shown; <u>unsure of approvals provided to cross, use, relocate</u>
<i>PLAN AND PROFILE SHEETS</i>	Not applicable
<i>DETAILED DRAWINGS</i>	Not applicable
<i>ADDITIONAL INFORMATION</i>	
Soils report	Applicant was asked for Geotechnical Report and they said they didn't see the need for one where there are already pre-existing buildings on the lots. I tend to agree with them in this conclusion where their interest is to make individual parcels of existing building areas. Applicant was directed to discuss the geotechnical report matter with the City Engineer and leave it to Engineer's discretion. Clearly, in the event any new buildings were to be built, the developer would need to provide an updated Geotechnical Report to building official for the future building permits.
Water right transfer documentation	Water rights transfer likely not required at this time for this property; <u>defer to PW Director</u>
Three large full set of plan drawings (24x36), one full set of plan drawings (11x17 sized), and one digital full set copy of plan drawings	Yes, provided as requested
Corp of Engineers approval (if required)	Not applicable or required
Zoning compliance	Yes, Retail/Commercial Park Overlay (RCP) Zone meets intended uses for subdivision
RDA compliance (if applicable)	Not applicable in this matter
Use compliance	Yes, subdivision request complies with RCP zoning requirements and standards
Engineering comments and letter of approval recommendation	City Engineer, Public Works, Building Official, Fire Dept, and Police Dept comments provided
Traffic study	Not applicable unless requested by City or PC
All Planning Commission and City Staff conditions for approval have been met	<u>Currently consideration of Amended Small Subdivision Plat submission being reviewed for final approval by City Council</u>

DEPARTMENTAL STAFF REPORTS – 10/8/2020 through 11/12/2020

From: Shawn Douglas
Sent: Fri 11/6/2020 8:07 AM
To: Mike Eggett
Subject: RE: City Council consideration review - 1050 West Retail Lot 1 Amend Small Subdivision approval

Mike,

I have no comments on this for council meeting. Thanks

Shawn Douglas

Public Works Director
801/394/5541 ext.1217
Sdouglas@Riverdalecity.com

From: Scott Brenkman
Sent: Thu 11/5/2020 8:56 AM
To: Mike Eggett
Subject: RE: City Council consideration review - 1050 West Retail Lot 1 Amend Small Subdivision approval

I have no concerns.

Chief Scott Brenkman
Riverdale Police Department
4580 S. Weber River Dr.
Riverdale, UT 84405
(801)394-6616
sbrenkman@riverdalecity.com

From: Jared Sholly
Sent: Thu 11/12/2020 12:42 PM
To: Mike Eggett
Subject: RE: PC Mtg dept review request - 1050 West Retail Lot I Amend Small Subdivision Proposal

I don't have any concerns.

Jared Sholly
Fire Chief
Riverdale City Fire Department
Cell: 801-628-6562

Office: 801-394-7481

From: Randy Koger

Sent: Thu 10/8/2020 1:05 PM

To: Mike Eggett

Cc: Jared Sholly

Subject: RE: PC Mtg dept review request - 1050 West Retail Lot I Amend Small Subdivision Proposal

I do not see any issues with this.

Comments made during this review are advisory and do not prevent the necessity of conforming with requirements which might have been overlooked in the review process.

A handwritten signature in black ink that reads "Randy S. Koger". The signature is written in a cursive, flowing style.

Fire Marshal/Code Enforcement Officer

Riverdale City

801-436-1241

11 November 2020

Riverdale City
4600 South Weber River Drive
Riverdale, Utah 84405

Attn: Mike Eggett, Community Development Director/RDA Deputy Executive Director
Proj: **RMRE 1050 West Retail Lot 1 Amended**
Subj: Plat Review – Recommended Approval

Dear Mike,

I have completed my review of the recently submitted Plat from the Developer's Design Engineer in regards to my last review comments of the 8th of October 2020. In my opinion the drawings and the calculations now reflect the Standards of Riverdale City.

I herewith recommend engineering approval of the Plat and the calculations as submitted.

Should you have any questions feel free to contact me at my office.

Sincerely,
CEC, Civil Engineering Consultants, PLLC.



N. Scott Nelson, PE.
City Engineer

Cc. Shawn Douglas, Public Works Director
Jeff Woody, Building Official



**Riverdale
City**

Community Development
4600 So. Weber River Drive
Riverdale, Utah 84405

**RIVERDALE CITY PLANNING COMMISSION
APPLICATION FOR COMMERCIAL SUBDIVISION SITE PLAN APPROVAL**

CASE No: 2020-09 DATE SUBMITTED: 9-29-2020

APPLICANT'S NAME: Anderson Wahlen & Associates - Jake Tate

ADDRESS: 2010 North Redwood Road, Salt lake City, UT 84116

PHONE: 801-410-8505 TAX I.D. No: 07-581-0002, 07-581-0004

ADDRESS OF SITE: 4978 S. 1050 W., Riverdale, UT 84405

APPLICANT'S INTEREST: Engineering Consultant to the property owner

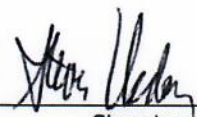
Application is hereby made to the Riverdale City Planning Commission requesting that a

commercial subdivision consisting of 2 lots be approved on 10.926 Acres of
(number of lots) (sq. ft./acreage)

property in the RCP zone in accordance with the attached site plan.

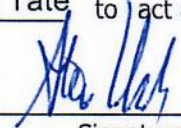


Signature of Applicant



Signature of Property Owner

I authorize Anderson Wahlen & Associates - Jake Tate to act as my representative in all matters relating to this application.



Signature of Property Owner

NOTE: A fee will be charged at the time the site plan is submitted for review - \$50 per lot/unit

Fee: \$ 100 Date paid: 9/29/2020

Planning Commission set public hearing: Yes ☐ No ☒ Date of Public Hearing: N/A

Planning Commission scheduled to hear this application for site plan approval on:

Date: 10/13/2020 Decision of Commission: Approved; recommend City Council approval

City Council scheduled to hear this application for site plan approval on:

Date: 11/17/2020 Decision of Council: _____



Riverdale City
4600 South Weber River Drive
Riverdale, UT 84405
801-394-5541

XBP Confirmation Number: 86765960

Transaction detail for payment to Riverdale City.			Date: 09/29/2020 - 4:47:02 PM
Transaction Number: 134093379PT Visa — XXXX-XXXX-XXXX-7666 Status: Successful			
Account #	Item	Quantity	Item Amount
10-34-1500	Zoning ampamp Subdiv. Fee	1	\$100.00
Notes: SITE PLAN FEE 4978 S 1050 W			
10-34-1500	Zoning ampamp Subdiv. Fee	1	\$100.00
Notes: SITE PLAN FEE 4043 RIVERDALE RD			

TOTAL: \$200.00

Billing Information
EARL TATE
, 84405

Transaction taken by: cjacobsen



Riverdale City
Community Development
Attn: Mike Eggett
4600 So. Weber River Drive
Riverdale, Utah 84405

October 28, 2020

Re: **Amended Small Subdivision Review – RMRE 1050 West Retail
Lot 1 Amended Subdivision, 4978 South 1050 West**

Dear Mike:

We appreciate you taking the time to review our plans for CCA Joann's Subdivision Plat. We have made revisions to our plans in conjunction with your comments dated October 5, 2020 and have provided the following summary which lists the changes that were made.

Public Works:

1. The only concern I have on this one is that they have agreements in place for shared utilities.

Response 1: Shared access and utility easements are in place with current CC&R agreements. References to these agreements are listed on the plat along the bottom boarder titled "Existing Agreements".

Police:

I don't have any concerns at this point.

Fire Chief:

No comments provided.

Fire Marshal/Code Enforcement:

I do not see any issues with this.

City Engineer:

General Note:

1. An electronic copy of the Plat drawing must be submitted to the Public Work Department for record keeping upon design completion and prior to approval of the final drawings from our office.

Response 1: Noted.

Plat:

1. The following comments need to be considered:

- The language for the “Riverdale City Engineer” approval/compliance signature block must be written to match the following:

I hereby certify that the “Office of the City Engineer” has examined the foregoing Plat and in our opinion the information conveyed herewith, complies with the Public Works Standards and Specifications of Riverdale City.

Response: Signature block has been updated as requested.

- The following notes need to be added to the Plat:

All onsite “Utilities and Facilities” – on Private Property:

- Culinary Water Facilities: All facilities i.e., pipes, service laterals, valves, bends, thrust blocks, fire hydrants, miscellaneous fittings are the sole responsibility of the property owners to manage and repair to the City Standards when failures occur.
- Sanitary Sewer Facilities: All facilities i.e., pipes, manholes, laterals, pipeline cleaning, sewer backups are the sole responsibility of the property owners to manage and repair to the City Standards when failures occur.
- Storm Water Facilities: All Facilities i.e., pipes, manholes, inlet catch basins, orifice and orifice control structures, detention storage basins, overflow spillways are the sole responsibility of the property owners to manage and repair to the City Standards when failures occur.
- Roadways and Sidewalks Facilities: All hard-surfacing facilities i.e., are the sole responsibility of the property owners to manage and repair to the City Standards when failures occur.

Response: Notes have been added to plat.

- In order to fully understand the location of the “Point of Beginning”, a note on the drawing calling/showing where the “River Park Drive Sam’s Club Subdivision Lot 1” is located, needs to be placed on the drawing, near the point of beginning.

Response: River Park Drive Sam’s Club Subdivision Lot 1 has been labeled just below the vicinity map.

- Add to the 1050 West Street, wording-note, in parentheses (Utah Department of Transportation, SR-60).

Response: Note has been added to street label.

Please let me know if you have any questions or if you need additional information on any of these revisions.

Sincerely,
Anderson Wahlen and Associates



E.L. (Jake) Tate III, P.E.
Project Manager

RMRE 1050 West Retail Lot 1 Amended Subdivision

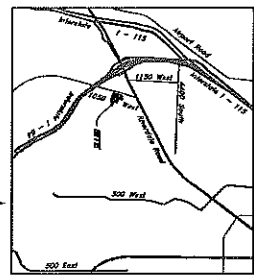
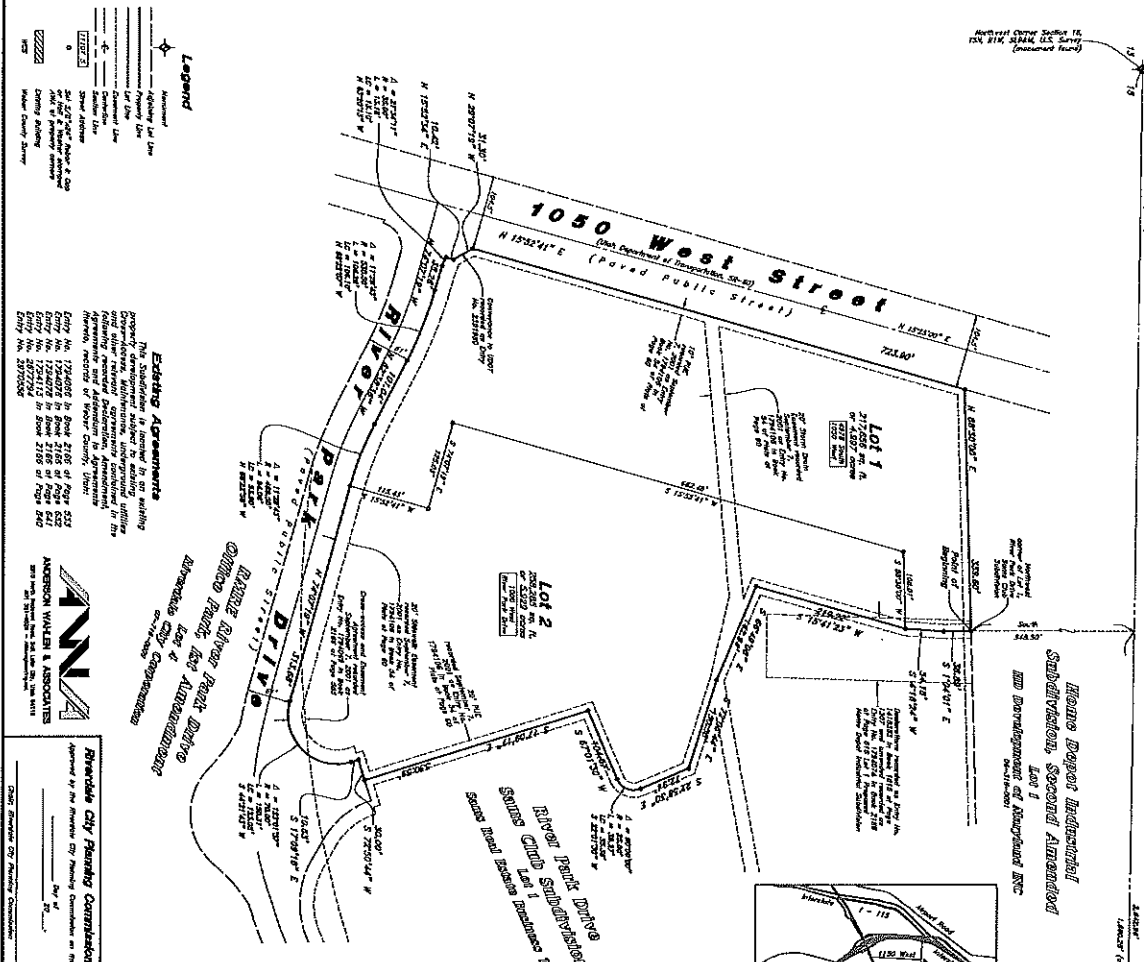
Amending Lot 1 of RMRE 1050 West Retail Subdivision, being a part of the Northwest Quarter of Section 16, Township 5 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey, Riverdale City, Weber County, Utah

October 2020

Owner: Home Depot Industrial Subdivision, Second Amended Lot 1

Prepared by: ANNA Anderson, Surveyor

Scale: 1" = 80'



Narrative

This subdivision was prepared by GSA to create 2 lots. The subdivision returns and honors the underlying 1050 West Retail Subdivision. The Home Depot Industrial Subdivision (2017) which is a subdivision of the 1050 West Retail Subdivision, is a subdivision of the 1050 West Retail Subdivision. The subdivision was prepared by GSA to create 2 lots. The subdivision returns and honors the underlying 1050 West Retail Subdivision. The Home Depot Industrial Subdivision (2017) which is a subdivision of the 1050 West Retail Subdivision, is a subdivision of the 1050 West Retail Subdivision.

Notes

1. The subdivision was prepared by GSA to create 2 lots. The subdivision returns and honors the underlying 1050 West Retail Subdivision. The Home Depot Industrial Subdivision (2017) which is a subdivision of the 1050 West Retail Subdivision, is a subdivision of the 1050 West Retail Subdivision. The subdivision was prepared by GSA to create 2 lots. The subdivision returns and honors the underlying 1050 West Retail Subdivision. The Home Depot Industrial Subdivision (2017) which is a subdivision of the 1050 West Retail Subdivision, is a subdivision of the 1050 West Retail Subdivision.

Acknowledgment

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears of record in the office of the County Clerk of Weber County, Utah. Witness my hand and the seal of said County, this 10th day of October, 2020.

Surveyor's Certificate
I, Anna Anderson, a duly Licensed Professional Surveyor in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as the same appears of record in the office of the County Clerk of Weber County, Utah. Witness my hand and the seal of said County, this 10th day of October, 2020.

Description

All of Lot 1, 1050 West Retail Subdivision, according to the official plat thereof, is divided into two lots, to-wit: Lot 1 and Lot 2. Lot 1 is a parcel of land containing 1.00 acre, more or less, and Lot 2 is a parcel of land containing 1.00 acre, more or less. The subdivision was prepared by GSA to create 2 lots. The subdivision returns and honors the underlying 1050 West Retail Subdivision. The Home Depot Industrial Subdivision (2017) which is a subdivision of the 1050 West Retail Subdivision, is a subdivision of the 1050 West Retail Subdivision.



Owner's Declaration

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears of record in the office of the County Clerk of Weber County, Utah. Witness my hand and the seal of said County, this 10th day of October, 2020.

Acknowledgment

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears of record in the office of the County Clerk of Weber County, Utah. Witness my hand and the seal of said County, this 10th day of October, 2020.

Approving Agency City of Riverdale City Engineer City Attorney	Owner/Developer Home Depot Industrial Subdivision, Second Amended Lot 1 1050 West Retail Subdivision 1050 West Retail Subdivision	Witness Weber County Recorder Weber County Recorder
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**RIVERDALE CITY
CITY COUNCIL AGENDA
November 17, 2020**

AGENDA ITEM: G2

SUBJECT: Consideration of Ordinance 929, amending the Riverdale Municipal Ordinance code to add new or modify existing sections concerning the appeal authority on applicable areas within Riverdale City.

PRESENTER: Steve Brooks, City Attorney

INFORMATION: a. [Executive Summary](#)
b. [Ordinance 929](#)

[BACK TO AGENDA](#)



City Council Executive Summary

For the Council meeting on: 11-17-2020

Petitioner: Steve Brooks

Summary of Proposed Action

In reading through Title 2 Chapter 4 concerning our Appeal authority, I noticed a few corrections that needed to be made in order for them to correctly apply under our code. It is just a small but important house-keeping matter.

As it is written, it keeps referring to "this title" when in reality it should refer to Title 10 (which is where we would primarily be using him and what it was designed for) and not "this title" which would be referring to Title 2.

Financial impact/comments

Cody Cardon, Bus. Admin.

Legal Comments - City Attorney

Steve Brooks, Attorney

Administrative Comments - City Administrator

Rodger Worthen, City
Administrator



ORDINANCE NO. 929

AN ORDINANCE AMENDING THE RIVERDALE MUNICIPAL ORDINANCE CODE, TITLE 2, MULTIPLE CHAPTERS, TO ADD NEW OR MODIFY EXISTING SECTIONS THAT WILL BETTER IMPLEMENT, CLARIFY AND DEFINE THESE SECTIONS CONCERNING THE APPEAL AUTHORITY ON APPLICABLE AREAS WITHIN RIVERDALE CITY AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Riverdale City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah; and;

WHEREAS, Utah Code Annotated §10-9-102 empowers municipalities of the state to enact all ordinances and rules that they consider necessary for the use and development of land located within the municipality; and

WHEREAS, the City finds it is in the best interest of the community and its citizens to better clarify issues concerning the Riverdale City Appeal Authority in order to better serve the residents and community; and

WHEREAS, it appearing that the proposed code additions are in accord with the City's goals, desires and needs and will promote health, safety and the general welfare of the community at large, the Riverdale City Council finds it to be in the best interests of the City;

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RIVERDALE:

Section 1. Repealer. Any provision of the Riverdale Municipal Ordinance Code found to be in conflict with this ordinance is hereby repealed.

Section 2. The Riverdale Municipal Ordinance, TITLE 2, BOARDS AND COMMISSIONS, CHAPTER 4, APPEAL AUTHORITY, SECTIONS 3 and 6, are hereby adopted as outlined in Attachment 1, attached hereto and incorporated hereby.

Section 3. All other titles, chapters and sections not otherwise amended hereby shall remain unchanged, in full force and effect.

Section 4. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective date. This ordinance shall take effect immediately upon its adoption and posting.

PASSED, ADOPTED AND ORDERED POSTED this ____ day of November, 2020.

Norm Searle, Mayor

Attest:

Shalee Nay, City Recorder

CHAPTER 4 APPEAL AUTHORITY

SECTION:

[2-4-1: Appointment, Term And Removal](#)

[2-4-2: Organization And Meetings](#)

[2-4-3: Appeals](#)

[2-4-4: Stay Of Proceedings Pending Appeal](#)

[2-4-5: Notice Of Meeting On Appeal; Right Of Appearance](#)

[2-4-6: Powers Of Appeal Authority On Appeal](#)

[2-4-7: Decision On Appeal](#)

[2-4-8: Vote Necessary For Reversal](#)

[2-4-9: Judicial Review Of Appeal Authority's Decision; Time Limitation](#)

[2-4-10: Time Limitation Of Variance](#)

[2-4-11: Filing Fee](#)

[2-4-12: Compensation Of Appeal Authority](#)

[2-4-13: Definitions](#)

2-4-1: APPOINTMENT, TERM AND REMOVAL:

The appeal authority shall be a single individual, appointed by the mayor, with the advice and consent of the city council, for a term of three (3) years and thereafter may be appointed for succeeding three (3) year terms. The appeal authority may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of the appeal authority whose term becomes vacant.

A. The appeal authority shall, as a minimum, have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings regarding land use, land development, and regulatory codes dealing with issues related to land use and have knowledge and familiarity with constitutional due process rights.

B. The mayor may remove the appeal authority for cause upon receipt of written charges filed against the appeal authority and upon the advice and consent of the city council.

C. In the case of death, resignation, removal or disqualification, the position of appeal authority shall be promptly filled by a replacement appointed by the mayor with the advice and consent of the city council for the unexpired term of the previous appeal authority.

D. The appeal authority shall be considered an independent contractor.

E. The mayor may, from time to time, appoint an appeal authority pro tempore on a temporary basis when necessitated by the absence, unavailability, incapacity or disqualification of the regularly appointed appeal authority, upon the advice and consent of the city council.

Each appeal authority pro tempore shall, as a minimum, have qualifications which are similar to those specified in subsection A of this section. (Ord. 757, 3-16-2010)

2-4-2: ORGANIZATION AND MEETINGS:

The appeal authority shall adopt rules in accordance with the provisions of state law, this chapter and any other applicable ordinance. Meetings of the appeal authority shall be held at such times as the appeal authority may determine. The appeal authority may administer oaths and compel the attendance of witnesses. All meetings of the appeal authority shall be open to the public.

A. Minutes; Records: The appeal authority shall keep minutes of its proceedings, and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the city recorder and shall be a public record.

B. Routine, Uncontested Matters: The mayor, with the advice and consent of the city council, may appoint a zoning administrator to decide routine and uncontested matters of the appeal authority, in concurrence with the city attorney, as designated by the appeal authority, and pursuant to its established guidelines. Any person aggrieved by a decision of the zoning administrator may appeal the decision to the appeal authority, as provided in this chapter. (Ord. 757, 3-16-2010)

2-4-3: APPEALS:

Appeals to the appeal authority may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this title. Appeals to the appeal authority may be taken by any officer, department, board or bureau of the city affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of this title 10. (Amd. Ord. 929 11-2020)

A. Time To Appeal: Any appeal, pursuant to this section must be filed in writing with the city recorder within fourteen (14) calendar days of the issuance of the written decision applying the land use ordinance.

B. Time For Hearing Appeal: The appeal authority should hear the appeal within fifteen (15) to thirty (30) days of the date the appeal was filed.

C. Written Statement Setting Forth Theories Of Relief Required: The appellant shall deliver to the appeal authority and all other participants, five (5) business days prior to the hearing, a written statement setting forth each and every theory of relief he intends to raise at the hearing, along with a brief statement of facts in support thereof.

D. Condition Precedent To Judicial Review: No theory of relief may be raised in the district court unless it was timely and specifically presented to the appeal authority.

E. Standard Of Review And Burden Of Proof On Appeal: The appeal authority shall, on appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeal is on the appellant.

F. Due Process Rights: The appeal authority shall respect the due process rights of each participant. (Ord. 757, 3-16-2010)

2-4-4: STAY OF PROCEEDINGS PENDING APPEAL:

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the appeal authority after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, the stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed

otherwise than by restraining order which may be granted by the appeal authority or by the district court on application and notice and on due cause shown. (Ord. 757, 3-16-2010)

2-4-5: NOTICE OF MEETING ON APPEAL; RIGHT OF APPEARANCE:

The appeal authority shall fix a reasonable time for the meeting of the appeal, give public notice thereof as well as due notice to the parties in interest and shall decide the same within a reasonable time. At the meeting, any party may appear in person or by agent or by attorney. (Ord. 757, 3-16-2010)

2-4-6: POWERS OF APPEAL AUTHORITY ON APPEAL:

The appeal authority shall have the following powers:

A. Appeals: To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by administrative official or agency based on or made in the enforcement of ~~this~~ title 10. (Amd. Ord. 929 11-2020)

B. Special Exceptions: To hear and decide, in accordance with the provisions of this title, requests for "special exceptions" or for interpretation of the map or for decisions on other special questions on which such authority is authorized by this title to pass.

C. Variances: To authorize, on an appeal, a variance from strict application of the regulations where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of any regulations enacted would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property. The variance from such strict application can be granted so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the master plan and ~~this~~ title 10. Before any variance may be authorized, however, it shall be shown that:

1. The variance will not substantially affect the comprehensive plan of zoning in the city and that adherence to the strict letter of ~~this~~ title 10 will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan. (Amd. Ord. 929 11-2020)

2. Special circumstances are attached to the property covered by the application which do not generally apply to the other property in the same zone.

3. Because of said special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

D. Nonconforming Uses: To permit the enlargement of, addition to, or relocation of a building or structure, nonconforming as to use regulations, as follows:

1. For a nonconforming use located in a residential zone, the enlargement, addition or relocation shall either:

- a. Comply with all the height, yard and area requirements for a single-family dwelling in the zone in which the nonconforming building is located; or

- b. The proposed enlargement, addition or relocation will either:

- (1) Improve the area by increasing the off street parking; or

- (2) Improve the general appearance, convenience or safety of the area.

2. For a nonconforming use located in any zone other than a residential zone, the enlargement, addition or relocation shall comply with all height, yard and area requirements for a main building, other than dwellings, in the zone in which it is located.

3. Before granting a permit for any enlargement, addition or relocation as provided above, the appeal authority shall find in its public meeting that the proposed changes will not hinder or obstruct the attainment of the objectives listed in section 10-1-2 of this code more than does the existing nonconforming use. (Amd. Ord. 929 11-2020)

E. Nonconforming Yard, Height Or Area Regulations: To allow those enlargements of, additions to or relocation of buildings and structures, nonconforming as to yard, height or area regulations, in those cases where an undue hardship will result to the owner of the land involved unless granted and the attainment of the objectives listed in section 10-1-2 of this code will not be hindered or obstructed, and provided the proposed enlargement, addition to or relocation of will either:

1. Improve the area by increasing needed off street parking; or
2. Improve the general appearance, convenience or safety of the area.

F. Extension Of Use: To permit, where a zone boundary line divides a lot in single ownership at the time of establishment of said boundary, a use authorized on either portion of such lot to extend to the entire lot, provided such permission shall not authorize the use to extend more than thirty five feet (35') beyond the zone boundary line or extend to an area greater than five thousand (5,000) square feet beyond the said boundary line.

G. Changes In Nonconforming Uses: To permit a nonconforming use to be changed to another use allowed in the same or a more restrictive zone than the one in which the nonconforming use would be allowed; provided, that the appeal authority finds in its public meeting that such change will not hinder or obstruct the attainment of the objectives listed in section 10-1-2 of this code more than does the existing nonconforming use. (Amd. Ord. 929 11-2020)

H. Use Permitted Without Street Frontage: To permit the construction and use of a dwelling upon a lot which does not have frontage on a street, but does have frontage on a dedicated right of way.

I. Lot Splitting: To permit the splitting of a lot wherein such lot split creates a lot which does not have the required width of the zone in which the lot is located, provided the created nonconforming lot meets the area requirements of the zone and the structure placed on the lot meets all required site standards of the zone; and furthermore, that before building permits are issued for the nonconforming split, the lot split shall be reviewed by the city engineer.

J. Burden Of Proof: The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

K. Variances Run With Land: Variances run with the land.

L. Additional Requirements: In granting a variance, the appeal authority may impose additional requirements on the applicant that will:

1. Mitigate any harmful effects of the variance; or
2. Serve the purpose of the standard or requirement that is waived or modified. (Ord. 757, 3-16-2010)

2-4-7: DECISION ON APPEAL:

In exercising the above mentioned powers, such appeal authority may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement,

decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. (Ord. 757, 3-16-2010)

2-4-8: VOTE NECESSARY FOR REVERSAL:

The favorable finding of the appeal authority shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under title 10 of this code, or to effect any variation in such title. (Ord. 757, 3-16-2010)

2-4-9: JUDICIAL REVIEW OF APPEAL AUTHORITY'S DECISION; TIME LIMITATION:

The city or any person aggrieved may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction, provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the city recorder. (Ord. 757, 3-16-2010)

2-4-10: TIME LIMITATION OF VARIANCE:

In the event the appeal authority does grant a variance in accordance with the provisions of this chapter, alterations in accordance with the variance must be activated within six (6) months after the date the variance is granted or the variance becomes null and void. The time limit of the variance may be extended an additional six (6) months by the appeal authority, and then only if the petitioner shows adequate cause to the appeal authority that circumstances necessitate a time extension. (Ord. 757, 3-16-2010)

2-4-11: FILING FEE ¹:

Upon filing of any appeal or application to the appeal authority, the appellant or applicant shall pay to the city a fee prescribed by the city council. The said fee shall be collected by the officer in whose office said appeal is filed and shall be deposited with the city treasurer and credited to the general fund. No appeal or application shall be considered by the appeal authority unless and until such fee has been paid. (Ord. 757, 3-16-2010)

Notes

- ¹ 1. See section 1-12-5 of this code for specific fees.

2-4-12: COMPENSATION OF APPEAL AUTHORITY:

The appeal authority shall be considered an independent contractor; and as such will enter into a three (3) year contract for services at the beginning of each appointed term. Terms for compensation and reimbursement will be determined and agreed upon in the aforementioned contract. The terms and conditions of the contract shall ultimately be approved by the city council prior to any individual entering into an agreement with the city to serve as the appeal authority. (Ord. 757, 3-16-2010)

2-4-13: DEFINITIONS:

APPEAL AUTHORITY: A person, board, commission, agency or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

LAND USE APPLICATION: An application required by a municipality's land use ordinance.

LAND USE AUTHORITY: A person, appeal authority, commission, agency, or other body designated by the local legislative body to act upon a land use application.

LAND USE ORDINANCE: A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan. (Ord. 757, 3-16-2010)