

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, June 7, 2022, at 6:00 p.m., at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present:

City Council:

- Braden Mitchell, Mayor
- Alan Arnold, Councilmember
- Bart Stevens, Councilmember
- Steve Hilton, Councilmember (via phone)
- Anne Hansen, Councilmember
- Karina Merrill, Councilmember (via phone)

City Employees:

- Steve Brooks, City Attorney/City Administrator
- Mike Eggett, Community Development
- Scott Brenkman, Police Chief
- Jared Sholly, Fire Chief
- Shawn Douglas, Public Works
- Stacey Comeau, Human Resources
- Michelle Marigoni, City Recorder

Visitors:

- Christina Ercanbrack
- Lori Fleming
- David Leahy
- Mrs. Leahy
- Jerry Leahy
- Garry Stoddard
- Kord Cutrubus
- Brent Kenley

Welcome & Roll Call

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

Pledge of Allegiance – Bart Stevens

Invocation – Alan Arnold

Public Comment

Gary Stoddard, Clearfield Utah, spoke about the kayak parks and how there is not easy access to the river in the area. Ogden's kayak park has two easy access points. He said he would volunteer to help make access so folks could get down to the water.

Christina Ercanbrack said she started building in April 2020. She said she has gone back through minutes for her project. She said she was the first person to be required to provide water shares. She is getting ready to close on the house and does not have water shares at this time or the funds to purchase them. There is some confusion about the wording on different documents. She is asking where she goes from here. The first time she heard water shares were required was after the construction had begun.

Mayor Mitchell suggested Ms. Ercanbrack stay for the meeting to see what happens.

Presentations and Reports

1. Mayor's Report:

Information from the WACOG meeting is that the state is adamant about taking over zoning within the cities. He encouraged councilmembers to reach out to Riverdale's two representatives. Mr. Brooks explained this would mean the city would have no say in what could be allowed within the city.

The Warriors Over the Wasatch airshow is expecting about 700,000 people to attend.

2. Council Assignment Reports

Mayor Mitchell asked Councilmember Stevens if he was still attending the affordable housing meetings. He said he attended one yesterday and briefly reported about the meeting.

Youth Council: Councilmember Hansen said they are receiving applications and some changes are being made to merge them with events, so they get experience from both events and government.

3. Recognition of Mr. Dave Leahy

Mayor Mitchell presented Mr. Leahy with a plaque, certificate, and flags from the veteran's memorial, and expressed appreciation for all he has done. He has looked out for veterans for many years, and he will be greatly missed.

Mr. Leahy spoke about how proud and honored he is to have received recognition for the memorial and board. It took a lot of people and a lot of effort to build the memorial, which is one of the prettiest and most respectful memorials there are. He explained the process they went through as a committee to build this memorial. He expressed appreciation for the engineers, the contractors who dug the holes, poured concrete, and the people of Riverdale who donated gifts and money to build the memorial. Businesses donated funds. The city has been outstanding, including the mayor, administration, public works, and everyone who has helped and supported the memorial.

When a tile is added to the memorial, the family is asked what they would like on the tiles and many stories are told. The tiles are special to the families and are all unique. He asked that the Memorial Day and Veteran's Day programs continue, as they are so important. He also thanked first responders for protecting our freedom at home.

Consent Items

1. Consideration to approve meeting minutes from:
April 19, 2022 Council Work Session
April 19, 2022 Council Meeting

Mayor Mitchell asked if there were any changes to the minutes from the April 19 meetings. There were no changes, other than those addressed in the work meeting. Councilmember Arnold made a motion to approve the minutes, Councilmember Hansen seconded the motion. All were in favor and the minutes were approved.

Action Items

1. **Motion to approve Resolution 2022-15 amending Personnel Policies Handbook Chapter 12, Substance Abuse and Drug Free Workplace.**
Stacey Comeau, Human Resources

Stacey Comeau explained the legislature passed HB46 giving some public employees the right to hold medical cannabis cards and use medical cannabis as prescribed by a doctor.

Discussion: Ms. Hansen mentioned there was a typo on spelling in the resolution. Mrs. Marigoni stated this has been fixed.

Motion: Councilmember Arnold moved to approve Resolution #2022-015

Second: Councilmember Merrill

Roll Call Vote:

Councilmember Stevens: No
Councilmember Hansen: Yes
Councilmember Arnold: Yes
Councilmember Merrill: Yes
Councilmember Hilton: Yes

2. **Motion to approve Resolution 2022-16 adopting the Mutual Aid Agreement renewal between all Weber County Fire Departments.**
Jared Sholly, Fire Chief

Discussion:

Motion: Councilmember Arnold moved to approve Resolution #2022-016.

Second: Councilmember Hilton

Roll Call Vote:

Councilmember Arnold: Yes
Councilmember Merrill: Yes
Councilmember Hansen: Yes
Councilmember Hilton: Yes
Councilmember Stevens: Yes

3. Discussion and action for further Council direction for later City Council meeting regarding water shares for H&P Investments, LLC, future Shake Shack site, others.

Shawn Douglas, Public Works and Steve Brooks, City Administrator

Discussion:

Mr. Brooks briefly explained there have been some concerns about the water shares policy. H&P demolished the old Farmer's building and is planning to build a Shake Shack. The water usage between an insurance office and a restaurant are vastly different, therefore the city determined this would be treated as a new development, requiring water shares. Mr. Cutrbus with H&P feels the water that was previously there should count for the development. Water shares have become increasingly difficult to acquire, and without the option to provide cash, developers are struggling.

Mr. Arnold stated he has had individual conversations with both Mr. Cutrbus and Ms. Ercanbrack.

Mr. Cutrbus addressed Council. He said the Farmer's building has had, and still has water service. They have been required to provide water shares for the redevelopment. Additional water line has been stubbed into the parcel, as it was originally planned to be subdivided. The current water has been used for many years, and they are not sure why they will not be allowed to use it. The ordinance seems to not recognize the current water at all. He understands adding water for new development is necessary, but that there should be credit for the water that is already there. He asked Council to look into Municipal Code 8.6 and possibly change it to allow credit when areas are being redeveloped. Redevelopment will be slowed and even halted as water shares become more difficult to obtain. There needs to be more consideration regarding options besides just bringing new water shares.

Councilor Hansen asked about the connection, which Mr. Douglas said is a 1-inch connection. He agreed no credit is currently given for the existing water. An insurance building uses about 1000 gallons of water monthly, where a fast-food restaurant uses 140,000 to 160,000 gallons per month. He said any credit given should be based on the current and recent use, possibly as a three-year average amount.

Mr. Stevens asked what the assessment for water is. Mr. Douglas said the information comes from the developer's engineer, which is then assessed by Public Works. Mr. Stevens rhetorically compared the water shares system to milk production and said the water shares are becoming like a commodity. He asked if a lease-type agreement could be used. Mr. Douglas said he has not seen this done, and it could be difficult but possible.

There was general discussion about water shares and what is and is not extra water based on the climate. Mr. Douglas noted that people are generally holding on to "extra" water shares in case they need them in the future. Ms. Hansen asked if Mr. Douglas has seen an increase in people asking for leases. Mr. Douglas explained how this would be difficult. Mr. Arnold said leasing would be problematic.

Mr. Arnold asked that the ordinance be looked at tonight to see if changes could be made as to not tie the hands of developers. He mentioned two other cities rates. Mr. Douglas explained that they could not be compared fairly, as they have pressurized irrigation water and are not using culinary for outside watering. He said the .91 ERC is based on averages and projected use. Mr. Arnold asked about the Quick Quack car wash. Mr. Douglas said Quick Quack is the reason this ordinance was created, as the redevelopment increased the water usage by so much.

Mr. Arnold asked that current water usage be accounted for in redevelopment.

There was discussion about new developments still needing to provide new water, and the difference in water usage between different land uses.

Mr. Brent Kenley with North Shore Excavating (the contractor on Ms. Ercanbrack's house) said the building permit had already been issued and the water line connection was being added when they found out there was a water share requirement. He said the lot has separate secondary system. He said the homeowners were not notified they needed water shares, but that every other development since has been told. Mr. Arnold said it is the contractor's responsibility to know the law. Mr. Douglas said it was brought up in verbal conversations with engineers several times.

Mr. Arnold said the ordinance was in place when the build was started on the home. He said it could be possible to ask council to waive the requirement as an agenda item. Regarding the Shake Shack, he said it needs to be addressed in the ordinance that water is already available for redevelopment, and that the amounts should be specified in the ordinance. Mr. Douglas said there is no way to address the amounts in the ordinance due to the many different ways developments use water.

Mr. Brooks said Ms. Ercanbrack's permit was issued after the ordinance was created, and that the recent change did not apply to them as they were not requesting a fee in lieu of water shares. They would be able to take advantage of the fee option if they chose to.

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Mayor Mitchell asked if the city could purchase water from Weber Basin at a higher rate, which would be a yearly fee, and if the water shares requirement could be replaced with the requirement of paying for this water.

Mr. Douglas said he has been over many options trying to find out what works best for Riverdale. Mayor Mitchell suggested new developments be charged a different rate than current residents. Mr. Brooks explained he looked into special service districts, but that will not work for Riverdale, and that cities are now allowed to charge different rates per the state. No cities are currently doing this, but Bountiful and Riverton are looking into doing this.

Mayor Mitchell said the water share requirement is not working. Ms. Hansen said it is not working because there is no water available. Purchasing water will only work until there is no more water to purchase, in which even the city will be paying for water that is not available.

Ms. Hansen said the current residents don't want to end up paying for new water that they are not using due to development. She said some improvements could be made to the ordinance, such as credit for irrigation water and current connections.

Mr. Arnold said he still agrees that the cash option should not be available for new development. The water shares in the case of the Ercanbrack home need to be tied into the parcel or the home, not just allowed to be used by the water owner.

Mr. Douglas asked if Council wanted to see credits for both outside irrigation and for existing water connections in the ordinance. Councilmembers agreed that they would like to see this.

Ms. Hansen wanted to make sure that the water share requirement is communicated to developers up front before development starts.

Mr. Arnold asked for a timeline when a new draft ordinance could be provided. Mr. Douglas said they have been working on it for a long time already, but that small changes could be brought back within the next two meetings. Some of the issues would need to be longer-term planning.

Mr. Cutrubs suggested a fee-in-lieu of shares if a water connection already exists.

Comments

1. City Council: Mr. Arnold asked what would happen if the state mandated something, but the council voted against the changes in code. Mr. Brooks said it would result in a lawsuit. Mr. Arnold asked if state-mandated things could be automatically changed without coming before Council.
2. City Staff: Mr. Brooks advised the next meeting is the budget meeting, and that an "acting budget" would need to be approved if truth in taxation is going to be pursued. The final budget would be done in September when the truth in taxation is complete. The acting budget would be in place between the beginning of the fiscal year and September.
3. Mayor:

Adjournment.

Having no further business to discuss, Councilmember Arnold made a motion to adjourn. Mayor Mitchell adjourned without a second. The meeting was adjourned at 7:43 p.m.