

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, July 5, 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<br>Alan Arnold, Councilmember<br>Bart Stevens, Councilmember<br>Steve Hilton, Councilmember<br>Anne Hansen, Councilmember<br>Karina Merrill, Councilmember |
| City Employees: | Steve Brooks, City Attorney/City Administrator<br>Mike Eggett, Community Development<br>Scott Brenkman, Police Chief<br>Michelle Marigoni, City Recorder                          |
| Visitors:       | Dennis Peters<br>Hugh Parke<br>Tim Snideman<br>Natalie Nichols<br>Kim Choate<br>Ted Heap<br>Jake Tate<br>Paul Willey<br>Veldon Wardle<br>Tammy Donohoo<br>Brandon Ames            |

### **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** – Steve Hilton

**Invocation** – Anne Hansen, Rajan Zed

### **Public Comment**

Veldon Wardle, Riverdale City Resident, commented on item #1 the rezone. He said Mr. Purin has been a good neighbor, has kept the weeds down near the fence lines. He understands there must be a compelling reason to change the city plan. He has concerns that multiple truckloads of dirt were added, and that complaints of illegal dumping were taken to the city, but the city had no recourse for this. Now is an opportunity for the city to have recourse on this. The fill needs to be completely removed before any development can be done. Once the fill is removed, the area should be the same zoning as the neighboring properties. The developer should have it in writing that any negative effects, such as drainage issues, are paid for by the developer.

Mr. Arnold asked about the property levels. Mr. Wardle said it was previously about 6 inches below his property but is now about three feet above and slopes toward his property.

Mrs. Donohoo presented a petition form with signatures against the rezone. She said the soil testing has been done with no explanation. She is not opposed to development but would have problems with runoff and all the dirt. She would not like it to be back there.

### **Presentations and Reports**

1. **Mayor's Report:** Senator Millner spoke at the sunrise service. Mayor Mitchell and former Mayor Burrows spoke to her after about sales tax. She is willing to set up a meeting later in the year with other representatives and Riverdale City to discuss the issue.

Mayor Mitchell, Steve Brooks, and Mike Eggett recognized Jeff Woody, building inspector, for 30 years of service. Mr. Eggett spoke about Jeff as an employee, friend, and associate who is a hard worker, a perfectionist, the best building inspector in the county and one of the most knowledgeable in the state regarding building code. He is courteous but also firm in dealing with people. He was presented with a certificate and gift.

2. **Council Assignment Reports**

### 3. Community Development Report

Mike Eggett reported:

- No new developments regarding Cheddar's
- Shake Shack preliminary will be before PC next week
- Take 5 is moving quickly
- Chick Fil A resubmitted their building permit for remodel
- Maverik on 1500 West now has signs up, but is delayed due to unavailability of concrete
- Sierra Trading Post and Home Goods will be moving into the old Gordman's building

### Consent Items

1. Consideration to approve meeting minutes from:  
June 21, 2022 Council Work Session  
June 21, 2022 Council Meeting

Mayor Mitchell asked if there were any changes to the minutes from the June 21 meetings. There were no changes, other than those addressed in the work meeting. Councilmember Hansen asked to abstain from voting, as she was not present for the meeting. Councilmember Arnold made a motion to approve the minutes, Councilmember Hilton seconded the motion. Four Councilmembers voted in favor, with Councilmember Hansen abstaining.

2. Consideration to set a public hearing for the truth in taxation process.  
Councilmember Arnold moved to set a public hearing for August 16, 2022. The motion was seconded by Councilmember Merrill, and all were in favor.

### Action Items

1. **Consideration of Ordinance #953 for proposed rezone request from Agricultural (A-1) Zoning to Single-Family Residential (R-1-6) Zoning for property located at approximately 3450 South Parker Drive, Riverdale, Utah 84405 as requested by Hugh Parke**

Mike Eggett, Community Development went over the executive summary.

#### **Discussion:**

Mayor Mitchell asked if Mr. Hilton needed to disclose that this may affect him. Mr. Brooks explained there was no financial impact, therefore it shouldn't be an issue.

Councilmember. Hansen asked if the fill dirt issue could be required to be fixed before building. Mr. Eggett explained this would be required in the site plan process. It could also be a condition for moving forward in the process.

Councilmember Hilton stated that the property owner was issued a cease and desist when the fill was being brought in and recalled the owner promising to use it as a farm. He asked if the fill issues should be addressed before the rezone. He asked if it could be required that all 2 story homes be build on the north end of the property. Mr. Brooks said it could be added to the site plan requirements. He asked what legal standing council would have if they required it to be zoned the same as the neighboring properties. Mr. Brooks said what is requested should be what is addressed.

Councilmember Arnold said any time a rezone is done, control is lost, and the developer has the ordinances on their side. The property could be sold again or used for anything in R-1-6. There was flooding in the area in 2011 and it could happen again if the water level rises again. If the property is sold again, there is no way to require the helical piers and future homeowners may be at risk. The water issue is a serious problem in Riverglen, not merely an inconvenience. Whenever the next high water comes in, homes will flood. He would be upset if the rezone passes without a flood analysis. His main concern is what is going to happen in the next flood event. He would even go so far as to table this until a flood analysis could be done and more information is received.

Ms. Hansen recalled that everything Mr. Arnold was saying was exactly what was said when Riverglen was built. This is privately owned property and landowners have rights. The issues need to be taken care of, but she is nervous about pushing requirements on this owner that were not required of the developer for Riverglen.

Mr. Hilton agreed with everything Mr. Arnold said and that he had running water directly behind his fence line. He is concerned about property that will devalue the current homes' values. The property values need to be protected.

Mr. Arnold suggested it is not only a private property issue, but there will be city streets and drainage systems that will also have problems that will need to be addressed. Mr. Hilton said the city was blamed in 2011 for the water problems.

Mayor Mitchell said people told him he was crazy for moving there, and his house has flooded twice.

Ms. Hansen said the developers may be able address the issues. Mr. Brooks said it would probably require a development agreement, which is an option.

Mayor Mitchell reiterated it is the intent of the city to require all the illegal fill be removed.

Mr. Stevens said when the zoning is changed from A to R the value of the land is increased. He can't support it if the illegal fill remains.

Hugh Parke addressed the council and said a lot of these issues come up at plat and design, not at rezone. He is not sure if it is legal to deny a zoning request based on these issues, or to set requirements such as these for the rezone. He said fill issues are mitigated all the time, and they didn't bring in the fill, but they will take care of it. Engineers are willing to sign off on the construction methods without removing the fill. These issues should be left up to the professionals who know about it. As far as the flooding goes, there are no basements.

Mr. Arnold said these houses are not going to be the ones to flood, but the existing houses will. He would like to see a study for runoff and flooding. Someone who has gone to school may need to come in and educate council on these items. Mr. Parke said all these issues need to be addressed when the plat is being put together, not at the rezone.

Mayor Mitchell indicated the council seems to feel that if the rezone is approved, there is a chance the project will not end up being completed and then the city and residents would be held to the new zoning.

Dennis Peters, Parke's partner, asked if a qualified engineer and the city engineer say it is okay to leave it and address the concerns, if the council would still have a problem.

Councilmember Hansen said she would not have a problem with it.

Mr. Peters asked if they were responsible for the flooding that has happened and if they were to blame. Mr. Arnold said no one is being blamed, but that water runs downhill, into these basements.

Mr. Peters explained they are going to level, lower the dirt and do whatever the engineers say needs to be done. They don't want to increase the problem but shouldn't be responsible for problems in the neighboring property. Mr. Arnold said yes, due to the illegal fill. He said the fill is a separate issue from the flooding, as the fill was added after the flood happened. Mr. Arnold said the standing water was there before the fill, and raising the level there makes the water flow into the current developed properties.

Mr. Peters reiterated they will abide by whatever the qualified engineers say they need to do. Mr. Hilton said qualified engineers also approved his lot, which has had flooding.

Mr. Parke asked what made the fill illegal. Mr. Hilton said it was not compacted.

There was discussion between Mr. Peters and Mr. Hilton about foundation systems, soil types, earthquake standards, and liquefaction. Mr. Peters said the helical piers are effective and used almost exclusively in the St. George area and there are some in Riverton that go down 25 feet.

Mr. Arnold said going to R-1-6 means the city loses all control, and there is no way to guarantee that this plan will happen. Mr. Parke said he has done other developments in Riverdale that have all turned out beautifully. He only wants to develop on land that makes sense and that he can make the best solutions on for surrounding properties,

Mr. Peters suggested the city make a condition of the rezone that the flood study is done.

Mr. Arnold believed the rezone should be tabled until the results are received. If the standards are met, the rezone would be approved. If the standards are not met, the rezone would be denied. Mr. Peters said he would like to have the rezone approved now with the condition in place.

Mr. Hilton said he still prefers the property to be R-1-8.

Ms. Hansen said she is okay with it and there is a need for smaller lots and homes. She can see the benefit of it for the city if it is safe and will not cause problems in the future. She would be on board with the rezone after the studies.

Mr. Peters asked to see the petition that was submitted by the resident and said there is no reasoning listed other than "I don't want it" and that it will affect their home values.

Mayor Mitchell informed the petitioners that the general plan is being updated, and that currently the plan is showing agricultural. Mr. Peters said it says it can be used for low density housing. Mr. Eggett read the exact language from Area 5 of the general plan.

Mr. Peters said the development will increase the value of the neighboring homes. There was discussion about the types of homes and property values.

Ms. Hansen asked if the property was sold later, the council would still have the opportunity to require and possibly deny requests for development. Mr. Eggett said regardless of the property owner, the process would be the same. Mr. Arnold said the rezone will take away much of the control the council would have, as it would be subject to the zoning ordinance.

There was further discussion about the subdivision process.

**Motion:** Councilmember Arnold moved to table this item until a Geotech or flood analysis could be done, as they do not have enough information at this point.

**Second:** Councilmember Hilton

**Roll Call Vote:**

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

**2. Consideration of Resolution #2022-23, for proposed AFCU – Operations Building Site Plan, property located at approximately 4624 South 1500 West, Riverdale Utah 84405, as requested by America First Federal Credit Union and AWA Engineering.**

Mike Eggett, Community Development went over the executive summary.

**Discussion:**

Councilmember Hansen asked if the cost would all fall on AFCU. Mr. Eggett confirmed it would. She asked if there was any discussion or concerns about 1500 west being part of the historical Lincoln Highway Mr. Eggett said the historical spirit would still be maintained, even if the road was moved. There was general discussion about the Lincoln Highway and the historical significance.

Mr. Arnold said this is a beautiful plan, but that America First's grass is terrible right now. He asked if the new plan would be allowed dry up and die. Natalie Nichols, AWA, said there is very little plan for sod and the landscaping will be water conscious. They want the campus to look nice and not barren, so there will be some trees but not much sod. Mr. Eggett let council know that the plan has been through design review, and it was all compliant with the landscaping ordinances.

**Motion:** Councilmember Arnold moved to approve Resolution 2022-23 as written.

**Second:** Councilmember Hilton

**Roll Call Vote:**

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

**3. Consideration of Resolution #2022-24 authorizing execution of Second Addendum to Development Agreement between Riverdale City and Bach Land and Development, LLC as requested by Bach Land and Development, LLC.**

Mike Eggett, Community Development went over the executive summary and said the clause that was causing concern has been removed and there have been no other changes.

Mr. Brooks said city administration is good with the development agreement as written.

Mayor Mitchell asked about the redline in the packet on the development agreement. Mr. Eggett and Mr. Brooks explained it was the same in form, though a few wording changes had been made. There was discussion about the density. Mayor Mitchell asked about the number of units, which Mr. Eggett explained was the acreage multiplied by the density allowed.

Mr. Ames said water has not been found yet, and that the developers are still willing to work with the city to find an alternative solution.

**Motion:** Councilmember Arnold moved to approve

**Second:** Councilmember Hansen

**Roll Call Vote:**

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

**4. Consideration of Resolution #2022-25 authorizing execution of Development Agreement between Riverdale City and Riverdale Commercial Holdings, LLC as requested by Riverdale Commercial Holdings, LLC.**

Mike Eggett, Community Development went over the executive summary and the history of the development agreement.

Mr. Brooks explained the development agreement has been looked over and changed multiple times at the request of the city administration. The city feels comfortable with the agreement as it stands now, as it is a win-win for both the developer and the city.

Ms. Hansen said she is happy to see this has come this far, but she did not have much time to look at the materials. She feels she may need to vote against it for this reason if it is not able to be tabled.

Mr. Stevens and Mr. Hilton said they have no problem voting on this tonight.

Mr. Heap addressed the council and said he would like it to be approved as soon as possible. Mr. Hilton thanked him for his patience

**Discussion:**

**Motion:** Councilmember Arnold moved to approve Resolution 2022-25.

**Second:** Councilmember Hilton

Mr. Arnold suggested Ms. Hansen doesn't need to vote on this as an attorney and read everything but should be able to vote based on the recommendations of the staff.

**Roll Call Vote:**

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

Mr. Arnold questioned the timeline of the project and when improvements would be started. Mr. Tate said the irrigation season is affecting the timeline.

Mr. Hilton said there are still a lot of warehouses, but no restaurants and asked if that was still in mind. Mr. Heap confirmed.

**Comments**

1. City Council:
2. City Staff:
3. Mayor:

**Adjournment.**

Having no further business to discuss, Councilmember Arnold made a motion to adjourn. Hilton seconded and the meeting was adjourned at 7:35 p.m.