

**5:30 p.m. – Work Session**

*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** – Alan Arnold, Councilmember

**C. Invocation** – TBA, by invitation

**D. Public Comment**

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

**E. Presentations and Reports**

1. Mayor's Report
2. Council Assignment Reports

**F. Consent Items**

1. Consideration to approve meeting minutes from:  
October 18, 2022 Council Work Session  
October 18, 2022 Council Meeting

**G. Action Items**

1. Discussion concerning consideration of granting the funding request of the Weber/Morgan Children's Justice Center (CJC) in an amount not to exceed \$62,267.16 to partial fund the construction of a new CJC in Weber County.
2. a. **Public hearing** to receive and consider comments regarding proposed amendment(s) to the Riverdale City FY2023 budget  
b. Consideration of Resolution #2022-34 adopting an amendment to the Riverdale City FY2023 budget granting the funding request of the Weber/Morgan Children's Justice Center (CJC), in an amount not to exceed \$62,267.16 to partially fund the construction of a new CJC in Weber County  
*Presented by Steve Brooks and Cody Cardon*
3. Consideration of Ordinance #958 to approve proposed rezone request from Regional Commercial (C-3) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately the southeast corner of 4400 South 700 West, Riverdale, Utah 84405, as requested by Forza Development group.  
*Presented by Mike Eggett*
4. Consideration of Ordinance #959 to approve proposed rezone request from Regional Commercial (C-3) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately 4450 South 700 West, Riverdale, Utah 84405, as requested by Forza Development group.  
*Presented by Mike Eggett*
5. Discussion and consideration of Ordinance #960 creating city code concerning solicitation rules.  
*Presented by Steve Brooks*
6. Discussion and consideration of Resolution #2022-35 updating Council Rules and Procedures.  
*Presented by Steve Brooks*

**H. Comments**

1. City Council
2. City Staff
3. Mayor

**I. Adjournment**

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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 28<sup>th</sup> day of October 2022 at the following locations: 1) Riverdale City Hall Noticing Board 2) the City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html> and 4) A copy was also provided to the Standard-Examiner.

Michelle Marigoni  
Riverdale City Recorder

\*\*The City Council meeting on November 1, 2022 is viewable 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/channel/UCegcYe-pIXSRZGd5llencvA/videos?view\\_as=subscriber](https://www.youtube.com/channel/UCegcYe-pIXSRZGd5llencvA/videos?view_as=subscriber)

## For the record: A Brief History and Timeline of the Riverdale Senior Center and Senior Citizen's Program

By Larry Hansen, past Riverdale City Administrator  
and past Executive Director of the Riverdale Redevelopment Agency (RDA)

September 26, 2022

### Key Events & Timeline Dates

Late 1990's	Dinners were held to honor Riverdale Senior Citizens for a few years. They were sponsored by the Riverdale Utah Stake of the Church of Jesus Christ of Latter Day Saints and held at the meetinghouse at 1000 W. 4400 S. Nice dinners were served and door prizes were donated by local businesses and awarded by a ticket drawing.
1999	Riverdale Community Center (RCC) opens to the citizens to provide a gymnasium, exercise rooms, meeting rooms, and a kitchen. Also served as the 'home base' for staff to handle youth programs of all types.
2000 – 2003	Riverdale Senior citizens begin lobbying the city for support for senior programs including senior meals. <ul style="list-style-type: none"><li>• Meals begin utilizing the RCC meeting rooms and kitchen.</li><li>• Frequency begins to evolve from a monthly meal to a weekly meal.</li><li>• Nominal charges were collected from participants, mainly to cover the cost of the food.</li><li>• Services of the RCC staff were provided and included as a community service program for the Senior Citizens.</li></ul> Lobbying by more vocal Senior Citizens increases with their desires for a Senior's program equal to or better than other community's Senior programs.
2003 – 2004	A Senior Citizens 'Steering Committee' was formed with the agreement that the Riverdale City Council would consider their findings regarding their requests. <ul style="list-style-type: none"><li>• Other Senior Centers were visited and information was gathered for evaluation.</li></ul>

<p>2004</p>	<p>An evaluation of the Riverdale Road Redevelopment Project Area along with the 1050 West Redevelopment Project Area revealed an opportunity for the acquisition and funding of a potential Riverdale Senior Center to be located at 4433 S. 900 W.</p> <ul style="list-style-type: none"> <li>• <b>Key point – the site of the Sr. Center was located within an RDA area.</b></li> <li>• <b>Key point – RDA law allowed the use of tax increment in an other RDA area if it was used for affordable housing.</b></li> </ul>
	<p>With the unanimous approval of the Riverdale City Council and the RDA Board of Directors, the legal acquisition of the property and the potential funding source was obtained.</p> <ul style="list-style-type: none"> <li>• One stipulation was that ‘affordable housing’ must be included in the structure to qualify the facility to receive Tax Increment funding from the 1050 West RDA Project Area.</li> <li>• RDA bonds for completion of the facility financing, using the tax increment flow from 1050 West RDA project area to pay the bond obligations</li> <li>• <b>Key point – Excess tax increment beyond the bond obligations are to provide a fund for the future needs associated with the housing needs of the facility.</b></li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Key Point – to preserve the high quality of the facility common areas, kitchen, dining room, etc. it was decided that the Sr. Center would not be rented out for other uses as contrasted with the RCC which has facilities available for rent.</b></li> </ul>
	<p>Regarding the housing, It was determined, and adopted as policy by the RDA Board, that this housing would be governed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Key Point – these policy actions were documented and kept on file.</b></li> <li>• 20 apartment units, one-bedroom, and two bedroom,</li> <li>• No ‘assisted care’ tenants would be permitted. If a tenant’s condition required assisted care they would be required to relocate to a different facility.</li> <li>• Riverdale residents would be given priority access</li> <li>• Tenants would be required to document their financial ability to afford the rental fees without government assistance (Section 8).</li> <li>• Rental rates would be established no higher than HUD median housing rental rates for affordable housing.</li> <li>• The facility and all rental units would be smoke free, pet free.</li> <li>• A waiting list would be established for all prospective tenants to fill vacancies as they occurred.</li> </ul>

	<p>Under the direction and supervision of the RDA Executive Director all prospective tenants were vetted for their ability to meet the RDA requirements.</p> <ul style="list-style-type: none"> <li>• <b>Key point – Vetted, documented, and lease contract files created for each tenant.</b></li> </ul>
<p>2004 – 2005</p>	<p>The Senior Citizen ‘Steering Committee’ continues taking a full advisory role in the planning and design of the facility to be constructed.</p> <ul style="list-style-type: none"> <li>• All amenities and room uses were determined.</li> <li>• Interior décor of above average quality was obtained and the facility fully furnished.</li> <li>• A commercial kitchen was designed with the following intent:</li> <li>• Provide daily lunch meals of a better quality than the County Meals-On-Wheels.</li> <li>• A nominal charge for these meals with the intent to cover the cost of the food and commodities served.</li> <li>• Staffing would be provided by the City beginning with a part-time cook and a part-time helper.</li> </ul>
	<p><b>Key point – Riverdale Senior Citizens were officially recognized as a tax-exempt organization 501-C3 by the IRS with the assistance of the City Attorney.</b></p> <ul style="list-style-type: none"> <li>• Organized with a Board of Directors of their own with representation (but not a controlling interest) from the City staff.</li> <li>• Seniors raised and expended funds consistent with the nature of their operations. Occasionally but not frequently contributing back to the City to assist with some smaller purchases for the facility.</li> <li>• Seniors would be expected to report annually to the City/RDA the status of their finances and account balances.</li> </ul>

<p><b>July 1, 2005 – Grand Opening – Present</b></p>	
	<p>The RDA becomes the actual owner of the property and the landlord to the tenants.</p> <ul style="list-style-type: none"> <li>• All 20 apartment units were fully occupied the first month of opening.</li> <li>• A qualified senior resident couple were hired to operate the senior programs and facility with support from City staff as necessary.</li> <li>• Resident couple’s compensation was to live rent free in an RDA owned home next to the senior center.</li> </ul>

	<p>The City becomes the agent of the RDA to offer community service programs and staffing.</p> <p>The RCC director supervises the operations and work of the program manager under the direction of the RDA Executive Director.</p> <p>Direct facility support was provided by City Custodian for tenant support, senior resident couple support, snow removal, etc.</p> <p>Following the resident senior couple’s retirement, a Seniors program coordinator was hired FT to direct and manage the programs offered by the City. The facility itself maintained with PT staff and City custodian.</p>
	<p>The Riverdale Senior Center facility becomes a ‘showcase’ for special City meetings and functions hosting on different occasions:</p> <ul style="list-style-type: none"> <li>• Utah Governors Huntsman and Herbert</li> <li>• Riverdale City Band concerts</li> <li>• Special Senior Christmas dinners</li> <li>• Other visiting Cities and fact-finding groups investigating Riverdale’s success, etc.</li> </ul>
<p>2014 – To present</p>	<p>Following RDA Executive Director’s retirement much of the vetting and close oversight at the executive level appears to have ceased.</p> <ul style="list-style-type: none"> <li>• Housing files should continue to exist and be maintained with documentation as to each tenant approved for an apartment.</li> <li>• As per prior direction, City Custodian continued to provide support for tenants working as a PT RDA employee after FT City hours.</li> </ul>
	<p>Bond for the facility is retired and pre-paid with accumulated tax increment fund balances.</p> <ul style="list-style-type: none"> <li>• <b>Key point – The tax increment for the future housing needs of the facility continues to accumulate and establishes an endowment of over \$1 million.</b></li> </ul>

**Key Future Considerations:**

1. Expect, solicit, and include 'direct' input from the Senior Board of Directors, as a key stakeholder voice, as to prospective changes in programs, schedules, and City support.
2. Continue to provide Senior Citizen Services as a vital City program commensurate with other RCC programs for youth and children, etc.
3. Establish the housing component of the Senior Facility as a separate business unit with its own existing endowed funding from tax increment.
4. Protect the high quality of the housing apartments along with qualified tenants.
5. Increase rents as necessary to continue to reflect the 'affordable' nature of the housing without devaluing the housing into the type of government subsidized housing that will become undesirable.

Minutes of the **Work Session** of the **Riverdale City Council** held Tuesday October 18, 2022, at 5:30 p.m., at the Civic Center in the Council Chambers, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

**Present:**

City Council:	Braden Mitchell, Mayor Bart Stevens, Councilmember Steve Hilton, Councilmember Anne Hansen, Councilmember (via telephone) Karina Merrill, Councilmember
City Employees:	Steve Brooks, City Administrator/Attorney Cody Cardon, Business Administrator Mike Eggett, Community Development Director Scott Brenkman, Police Chief Jared Sholly, Fire Chief Casey Warren, Assistant Police Chief Michelle Marigoni, City Recorder
Excused:	Alan Arnold, Councilmember

The City Council Work Session meeting began at 5:30 p.m. Mayor Mitchell welcomed all in attendance. It was noted for the record that all Councilmembers were present, except Councilor Arnold, who was excused. Members of city staff were also present.

**Public Comment:**

Mayor Mitchell asked if there was any public comment. No one was aware of any.

**Presentations and Reports:**

**Mayor's Report**

**City Administration Report**

Department Reports September  
October Anniversaries Employee Recognition  
Staffing Authorization Plans  
Community Development Report

**Swearing in of Officer Evan Sullivan**

**Consent Items**

**Consideration to approve meeting minutes from:**

1. Consideration to approve meeting minutes from:  
September 20, 2022 Council Work Session  
September 20, 2022 Council Meeting

Mayor Mitchell asked if there were any changes to the minutes from September 20. There was one change sent by Councilmember Hansen to include language to address a point she had made in the meeting.

2. **Review of Council Rules and Procedures**

Mr. Brooks explained this is for consent to put on a future agenda to go over and make necessary updates.

**Action Items**

1. **Discussion, review, and action regarding city drought water rates.**

Mr. Brooks explained there was previous discussion to review and make the decision to continue or terminate. Mayor Mitchell said he asked to have this on the agenda.

2. **Consideration of Ordinance #957 making amendments to Title 8 of the Riverdale City Municipal Code, specifically Chapter 6, regarding changes concerning the conveyance of water rights to the city on new development.**

Mr. Douglas explained they found another way for developers to purchase water, which should be easier for them. There would be a DA and a contract, the developer would purchase shares from Weber Basin in the name of Riverdale City, so long as there is water available for purchase. Mr. Brooks explained that the developers would basically pay Riverdale City to purchase the water from Weber Basin. Several developers are currently waiting for an option for water. Mr. Douglas emphasized his support for this program. Councilor Hilton asked why Weber Basin has been so secretive about this option, Mr. Douglas said it has been done with impact fees for other cities, but this will be the first with a developer's agreement.

Mayor Mitchell asked which developers are waiting for water. Mr. Brooks reported Bach Homes, Motor-Vu, Shake Shack and the Cutrubuses. He feels this would be good for the city. Mayor Mitchell suggested this may be a change with some of the staff changes at Weber Basin.

### **Comments**

1. City Council: Mr. Hilton asked what the construction on Riverdale Road is about. Mr. Brooks said the bridge is being resurfaced by UDOT.
2. City Staff: Mr. Brooks and Mr. Douglas reported there is a water leak under I-15, which started this morning and is causing water to come up in the center. There are 8 homes, a 4-plex, and another building that are reliant on the affected pipe. Mr. Douglas has been speaking to Roy City and a temporary connection will be added to their water, with hopes that it could become permanent to supply those residents with water. The cost of replacing the line would be astronomical and would not be recouped by the residents' use. Riverdale would pay Roy for the water, and the residents would pay their normal Riverdale City bill. Mr. Douglas reported the residents were noticed before the water was shut off and would receive notice before anything is done. The water has been turned back on.
3. Mayor:

### **Adjournment**

Having no further business to discuss, the Work Session was adjourned at 5:57 p.m.

**Date Approved:**

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, October 18, 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  
**Excused** - Alan Arnold, Councilmember  
Bart Stevens, Councilmember  
Steve Hilton, Councilmember  
Anne Hansen, Councilmember (via telephone)  
Karina Merrill, Councilmember

City Employees: Steve Brooks, City Administrator/Attorney  
Cody Cardon, Business Administrator  
Mike Eggett, Community Development Director  
Scott Brenkman, Police Chief  
Jared Sholly, Fire Chief  
Casey Warren, Assistant Police Chief  
Michelle Marigoni, City Recorder

Visitors: Michelle Haggerty  
Various police officers and family members

### **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 except Councilor Arnold, who was excused, City Staff, and members of the public.

**Pledge of Allegiance** – Karina Merrill

**Invocation** – Councilor Hilton

### **Public Comment**

Michelle Haggerty, a Riverdale resident, spoke about a group home for youth sex offenders in the area, as it is near her home. She is concerned about this because she has two children, and she has been told the youth are not required to register as sex offenders. She feels it is concerning, especially since the group home was not wanted in Clearfield.

### **Presentations and Reports**

#### **Mayor's Report**

- Mayor Mitchell attended a meeting with cities surrounding HAFB regarding indoor air testing. He mentioned he had forwarded an email to councilors. He said people do not like the government coming into their homes, so they have a hard time getting the testing done. HAFB has asked City Council to assist with getting people to allow the testing in the south end of the city. Riverdale has some homes that have mitigation systems installed, but there are some homes they were not able to test.
- He also attended a sewer meeting where they shared some cost reports. They use a large amount of chlorine, which has been rising rapidly in cost. This may mean rates will increase again.
- A report was sent on affordable housing from the WACOG meeting. He said it was a great moment to be Mayor of Riverdale during that meeting, Riverdale is one of only three cities meeting the moderate-income housing requirements.
- Press conference for Bonneville CTC today about underage drinking. They are working with Parents Empowered, and Weber County 12<sup>th</sup> graders are double the state average on underage drinking.
- Old Bamberger Railroad project – UDOT must buy a small piece of the railroad for their 5600 South expansion but the railroad will not sell it to UDOT in part. They are purchasing the entire railroad, but do not want to get involved with a trail. They have asked Riverdale to help with maintenance of the trail, as they have three million dollars earmarked for paving the trail.
- Utah League of Cities and Towns conference provided useful information. Mayor Mitchell encouraged the rest of the council to attend the conference in April, which is in St. George.

#### **City Administration Report**

Department Reports September

- The Sales Tax report shows the growth is leveling off. It is being reported that a recession is predicted at 100% to happen, which will drop sales tax revenue. Mr. Brooks is worried about future companies backing out of coming into the city.
- The police report has become mostly bizarre occurrences, rather than speeders and theft. He encouraged Council to read the report.

October Anniversaries Employee Recognition:

Krystn Hinojosa 18 years  
Jared Sholly 7 years  
Amy Cummings 1 year  
Nikki Green 1 year

Community Development Report:

- Maverik was happy with their grand opening.
- Many businesses are getting close to opening.

### **Swearing in of Officer Evan Sullivan**

Chief Brenkman introduced Officer Sullivan and spoke about his good work so far. Mayor Mitchell welcomed him and his family to the Riverdale family and expressed his support

### **Consent Items**

#### **1. Consideration to approve meeting minutes from:**

September 20, 2022 Council Work Session  
September 20, 2022 Council Meeting

Mayor Mitchell asked if there were any changes to the minutes from the September 20 meetings. There was one change, as noted in the work session.

Councilmember Hilton made a motion to approve the minutes from September 20. Councilmember Merrill seconded the motion. All were in favor and the minutes were approved.

#### **2. Review of Council Rules and Procedures.**

Mayor Mitchell explained this is a decision to approve adding a review of Council Rules and Procedures to the next council meeting. Mr. Brooks asked councilors to send any suggestions for changes in advance of the next meeting.

Councilmember Hilton moved to add Council Rules and Procedures review to the next Council meeting on November 1, 2022. Councilmember Merrill seconded the motion. Unanimous vote in favor.

### **Action Items**

#### **1. Discussion, review, and action regarding city drought water rates.**

Mr. Brooks explained Cody Cardon was present to answer financial questions and Shawn Douglas was present to go over other questions. Mr. Douglas said September showed higher usage, after conservative levels over the summer. September is concerning. Mayor Mitchell noted September was unusually hot, and that residents may have started using a bit more after seeing the first few bills over the summer with the new rates. Mr. Douglas feels people have been getting in the habit of conserving. He asked if it is ended, it is only on future billings and nothing retroactive. This would mean the October billing would be at the lower rate, but not September.

Mr. Cardon showed a quick analysis of the water fund sales with drought rates. In total, revenues were up about 35% with a 40% fee increase. Expenses have gone up about \$400,000 compared to past years. There is not an excess of funds from the increase. Mr. Hilton asked if Mr. Douglas would have enough money if the rates were reduced a month early. Mr. Douglas said one month wouldn't make or break the budget, and that it would be okay to reward the residents for conserving over the summer. Mr. Cardon said continuing would provide funds for capitol projects for Public Works.

Councilor Merrill asked why the 2022 numbers were so much lower than other years. Mr. Cardon explained this was because the rates were not raised, but usage was down after asking residents to conserve. Mr. Hilton asked if removing the drought rate would set it back to last year's rates. The rates were raised 40% plus an additional 50% for the drought, so the 40% rate increase would stay.

Mr. Stevens commented that Weber Basin shut off secondary water around the middle of October. Riverdale is unique as it is mostly culinary water, he has heard residents from other cities talk about using culinary water after the shutoff to water their lawns. He asked if it could be compared to other cities

Councilor Merrill said she feels the residents should be rewarded after conserving all summer. Mayor Mitchell said he is aware all of the money hasn't been collected, but that there is enough to get by until next summer. He said it has been a tough year for the residents with rate and tax increases, so he wants to help Council find ways to help the residents if they feel like it is the right thing to do. Councilmember Merrill said she appreciates the honest feedback from city

**Motion:** Councilmember Hilton made a motion to revert to pre-drought water rates for future billings.

**Second:** Councilmember Merrill

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

**Motion passes unanimously.**

**Mr. Brooks said the increase was based on the mayor's administrative order. Another administrative order suspending the part of the order addressing this would be needed. He said he wanted to make sure that council supported this before making the order.**

- 2. Consideration of Ordinance #957 making amendments to Title 8 of the Riverdale City Municipal Code, specifically Chapter 6, regarding changes concerning the conveyance of water rights to the city on new development.**

Mr. Douglas reported this is another option for developers to purchase water through Riverdale city from weber basin with a contract and a development agreement. He feels it is a good option for developers.

**Motion:** Councilmember Hilton made a motion to approve Ordinance #957 making amendments to the Riverdale City Municipal Code regarding changes concerning the conveyance of water rights to the city on new development.

**Second:** Councilmember Merrill

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

**Motion passes unanimously.**

### **Comments**

- 1. City Council:**
- 2. City Staff:**
  - Fall cleanup is on October 24<sup>th</sup>. Items may be set out starting October 21<sup>st</sup>.
- 3. Mayor:**
  - An email sent to councilmembers from the Pugmires will be addressed at a later meeting.

### **Adjournment.**

Having no further business to discuss, Councilmember Hilton called to adjourn the meeting. Councilmember Merrill seconded. The meeting was adjourned at 6:49 p.m.

**Date Approved:**

**RIVERDALE CITY  
CITY COUNCIL AGENDA  
November 1, 2022**

**AGENDA ITEM: G1/G3b**

**SUBJECT:** Consideration of Resolution #2022-34 adopting an amendment to the Riverdale City FY2023 budget granting the funding request of the Weber/Morgan Children’s Justice Center (CJC), in an amount not to exceed \$62,267.16 to partially fund the construction of a new CJC in Weber County

**PRESENTER:** Steve Brooks, City Administrator and Cody Cardon, Business Administrator

**INFORMATION:**

- a. [Executive Summary](#)
- b. [Resolution #2022-34](#)
- c. [Children’s Justice Center Request Letter – Riverdale](#)
- d. [Budget Form](#)
- e. [Children’s Justice Center presentation](#)

**[BACK TO AGENDA](#)**



## City Council Executive Summary

For the Council meeting on:  
November 1, 2022

Petitioner:  
Cody Cardon, Business Administrator

### Summary of Proposed Action

Consideration of granting the funding request of the Weber/Morgan Children’s Justice Center (CJC) in an amount not to exceed \$62,267.16 to partial fund the construction of a new CJC in Weber County.

### Summary of Supporting Facts & Options

In February and August, the City Council listened to presentations from the CJC on their needs for a new facility to house their operations in Weber County. They have been successful in obtaining \$1,000,000 contribution from Weber County and are now seeking contributions from cities and towns in Weber County to raise an additional \$1.5 million towards the new facility. They have assessed their request to each city and town based upon cases from each jurisdiction over a three-year period. Based upon this calculation they are requesting 4.1511% from our city or \$62,267.16.

We can contribute any amount from \$0 to the not to exceed requested amount of \$62,267.16. The funding can come from the requested use of ARPA (American Rescue Plan Act Funds) as the CJC has requested. Where this would be a donation of public funds, it requires a public hearing and as it is not included in our current budget it will also require a budget amendment or reallocation or budget note to document depending on the funding used.

Please see the various following attachments for additional details and information.

### Legal Comments – City Attorney

\_\_\_\_\_  
Steve Brooks, Attorney

### Fiscal Comments – Business Administrator/Budget Officer

\_\_\_\_\_  
Cody Cardon,  
Business Administrator

### Administrative Comments – City Administrator

\_\_\_\_\_  
Steve Brooks,  
City Administrator



**RESOLUTION NO. 2022-34**

**A RESOLUTION AMENDING THE BUDGET FOR THE CITY OF RIVERDALE  
FOR FISCAL YEAR 2023 (JULY 1, 2022- JUNE 30, 2023)**

**WHEREAS**, the City of Riverdale has previously adopted a budget for Fiscal Year 2023 (July 1, 2022 – June 30, 2023) including an adjustment of revenues through a Truth in Taxation process for the same year and budget; and

**WHEREAS**, the administration has presented a proposed amendment to the 2023 fiscal year budget to make adjustments of the funds within said budget which recognize anticipated revenue, adjustments to expenditures and/or funding alternatives, to the Council for their consideration; and

**WHEREAS**, said budget adjustment presents itself because of a request from the Children’s Justice Center, that is a private legal entity, whose services the City utilizes in the process of investigating certain types of crimes; and

**WHEREAS**, the Children’s Justice Center has approached the City, and all other Cities and legal entities of the County, about the possibility for funding in order to build a new facility, which they have outgrown and is in such condition that it needs to be replaced; and

**WHEREAS**, for the purpose of amending the Fiscal Year 2023 Budget, a public hearing was scheduled and notice thereof published in the Standard-Examiner, a newspaper of general circulation in the City of Riverdale, at least seven (7) days prior to the time of said hearing, describing the proposed budget and providing the time and place for such public hearing. A public hearing was duly held at the time and place provided in said notice (November 1, 2022) and all said proceedings were duly and regularly conducted; and

**WHEREAS**, the City Council received all competent evidence offered in support of and opposed to said proposed budget amendment and it appearing that the proposed budget is in accordance with the provisions of Section 10-6-101 et seq., Utah Code Annotated (1953) and it also appearing that the adoption of said proposed budget amendment is in the best interest of the citizens and will promote the health, safety and general welfare of the community; and

**WHEREAS**, the City Council recognizes the importance of having facilities and individuals to help assist in the investigation of specific criminal offenses and finds that it is in the best interest of the community to proceed with a budget amendment to help finance this request.

**NOW, THEREFORE**, be it hereby resolved by the City Council of the City of Riverdale, Utah, that:

**Section 1.** Purpose. The purpose of this Resolution is to amend the budget of Riverdale City, that was previously approved and finalized by the City Council.

**Section 2.** The budget for the 2023 fiscal year is hereby amended to include an expenditure of funds to the Childrens Justice Center for help with the replacement of the current center, which was unforeseen at the time the original budget was set by the City Council.

**Section 3.** The budget amendments attached hereto and made a part of this Resolution shall be, and the same hereby are adopted and incorporated into the budget of Riverdale City, Utah for the fiscal year beginning July 1, 2022, and ending June 30, 2023, in accordance with the requirements of the Utah Code Annotated.

**Section 4.** The Budget Officer is authorized and directed to certify and file a copy of said budget amendments in the office of the City Recorder which amendments shall be available for public inspection.

**Section 5.** Authorization. The Mayor is authorized to sign any agreements to implement the budget amendments adopted by this Resolution.

**Section 6.** Severability. If any section, part, or provision of this Resolution is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts, and provisions of this Resolution shall be severable.

**Section 7.** This Resolution shall take effect immediately upon its adoption or as otherwise allowed by law.

**PASSED AND ADOPTED** this 1st day of November 2022.

Attest:

\_\_\_\_\_  
Braden Mitchell, Mayor

\_\_\_\_\_  
Michelle Marigoni  
City Recorder

VOTE:

Alan Arnold	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent
Bart Stevens	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent
Steve Hilton	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent
Anne Hansen	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent
Karina Merrill	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent

Weber/Morgan Children's Justice Center  
2408 van Buren  
Ogden, Utah

Dear Mayor Mitchell,

During the WACOG meeting held on January 3<sup>rd</sup>, the Weber/Morgan Children's Justice Center presented on the critical need to build a new CJC in Weber County. We have experienced a substantial increase in cases in the last few years. During the presentation we explained that every city and town including those in unincorporated areas use the center and draw on the available resources. Each city and town as well as Weber County received ARPA (American Rescue Plan Act) funding. Under the guidelines outlined by congress, a new CJC fits perfectly with the intent of that appropriation. It's a long term, brick and mortar structure that will offer health and safety resources to the community. We recently met with the Weber County Commissioners who agreed to support this project with a one-million-dollar contribution but it's contingent on other entities that use the center providing their support. We have outlined our request based on the percentage of resources that each city, unincorporated area or town uses the center. If each were to provide the requested amount from their ARPA appropriations, we would reach our goal of raising 1.5 million from cities and towns. Combined with Weber County's commitment, ARPA funding would provide 2.5 million towards the estimated 5.2-million-dollar project. The remaining funds would come from the sale of our current building which we own and private donations. During the presentation Commissioner Froerer agreed to support the suggestion that if a city preferred to split the requested amount over two fiscal years that would be acceptable. The county would upfront the funding so the project would not experience a delay.

Attached to this email is a document outlining the breakdown of the requested funding. As you can see we are asking Riverdale to contribute \$62,267.16

We truly appreciate your consideration to support this project. We anticipate this will be a standout CJC not just in Utah but the entire country. A great deal of thought and planning has gone into the layout, location and design of this facility. We are hopeful it will be available to the children of your community (without any further requests for funding) for many years to come. If you have further questions or would like a presentation to be made at a council meeting, we would be happy to come. It would be helpful to us if you could reply with your intent to either meet this request or offer a compromise. That would allow us to make adjustments if needed.

Account Number	Account Title	2020-21 Prior year Actual	2021-22 Current year Budget	2021-22 Current year Actual	2021-22 Current year Projected actual	2022-23 Final Adopted Budget
<b>NON DEPARTMENTAL</b>						
10-49-1100	CARES ACT - SUBGRANTS	235,284.30	.00	.00	.00	.00
10-49-1150	CARES ACT - GRANT EXPENDITURES	197,778.30	.00	.00	.00	.00
10-49-1160	COVID PROJECTS	186,157.13	.00	.00	.00	.00
10-49-4100	INSURANCE	.00	.00	.00	.00	.00
10-49-4760	ARPA/CLFRF EXPENDITURES	.00	986,000.00	18,236.80	31,263.00	986,000.00
10-49-4810	TRANSFER TO OTHER FUNDS	802,767.98	1,200,000.00	.00	.00	1,500,000.00
Budget notes:						
Capital Projects Fund Transfer \$1,500,000						
10-49-5600	INFO TECHNOLOGY PAYMENTS	69,996.00	79,996.00	53,336.00	80,004.00	79,996.00
Budget notes:						
Payments for IT support/maintenance/equipment.						
10-49-5700	MOTOR POOL PAYMENTS	.00	.00	.00	.00	.00
10-49-5800	TRANSFER TO WATER FUND	.00	.00	.00	.00	.00
10-49-5900	CITY-WIDE EXPENDITURES	.00	.00	.00	.00	697,616.00
10-49-8000	INCREASE IN CLASS C RESERVES	.00	.00	.00	.00	.00
10-49-8100	INCREASE IN LOCAL OPTION RESER	.00	.00	.00	.00	.00
10-49-9000	INCREASE IN RESERVES	.00	9,611.00	.00	.00	12,931.00
Total NON DEPARTMENTAL:		1,491,983.71	2,275,607.00	71,572.80	111,267.00	3,276,543.00

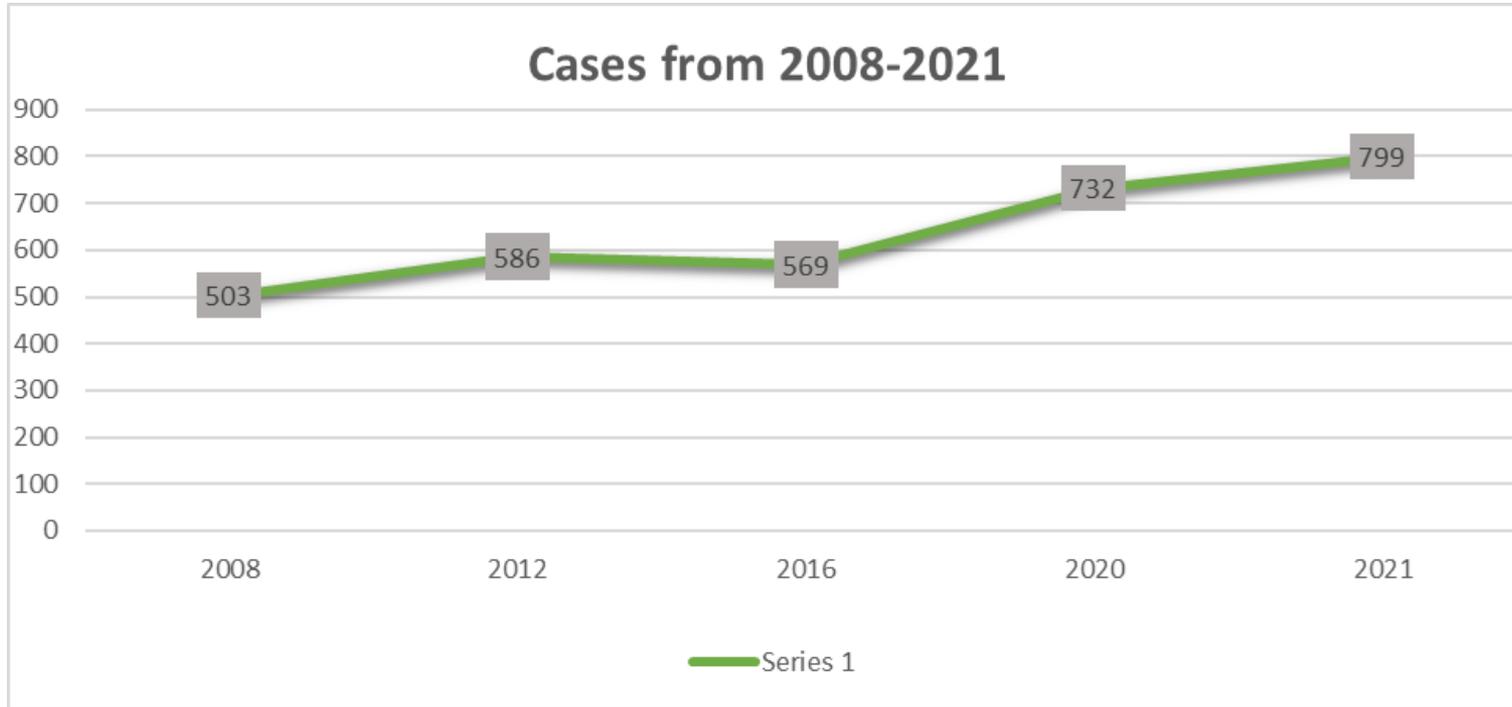
# Children's Justice Center



# What Does the CJC do for the community?

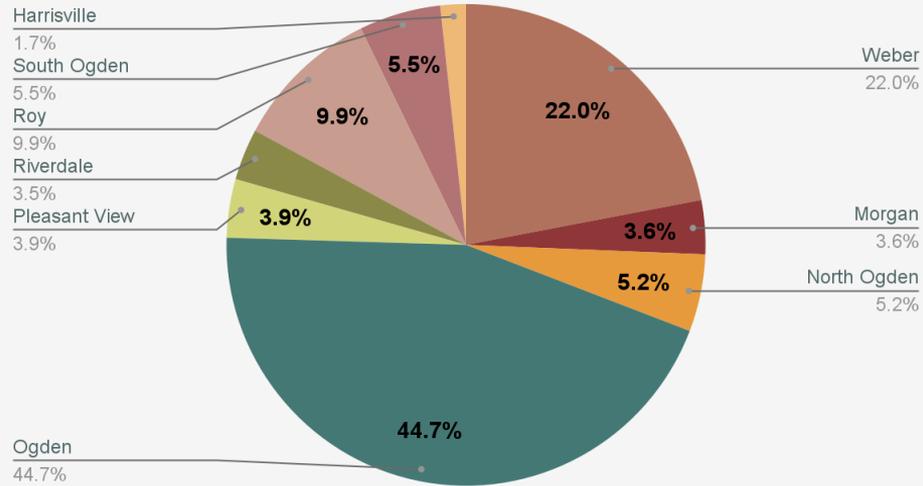
- We help facilitate the investigation for our community partners which include prosecutors, law enforcement, and child protective services.
- We create a safe and secure environment in which child victims can feel comfortable
- We help provide services to victims and their families from mental health counseling to community resources.
- Overall we help take care of communities and their families while enduring some of the most challenging time of their lives not just during the investigation but after as well.

# Caseload throughout the years..



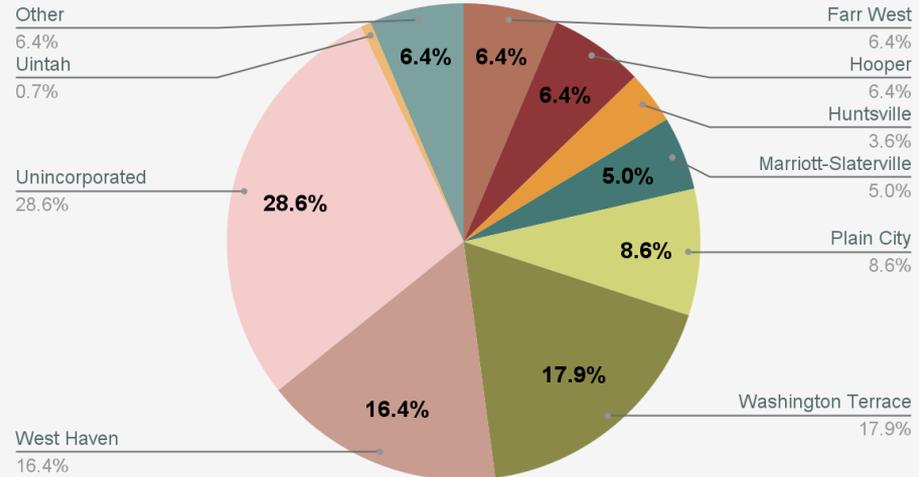
# Case Review: 2021

2021 Cases (as of 12/14/2021)



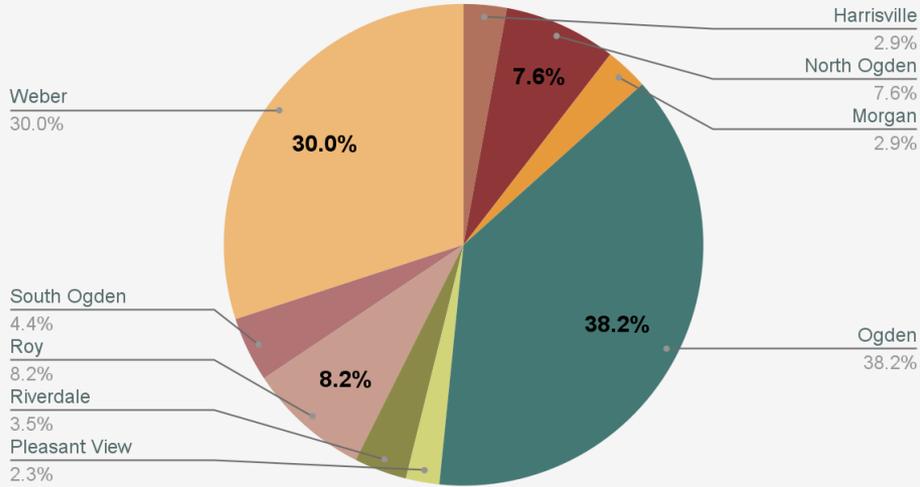
Break down of the 22% of Weber County Sheriff's cases

2021 Weber County Cases (as of 12/14/2021)



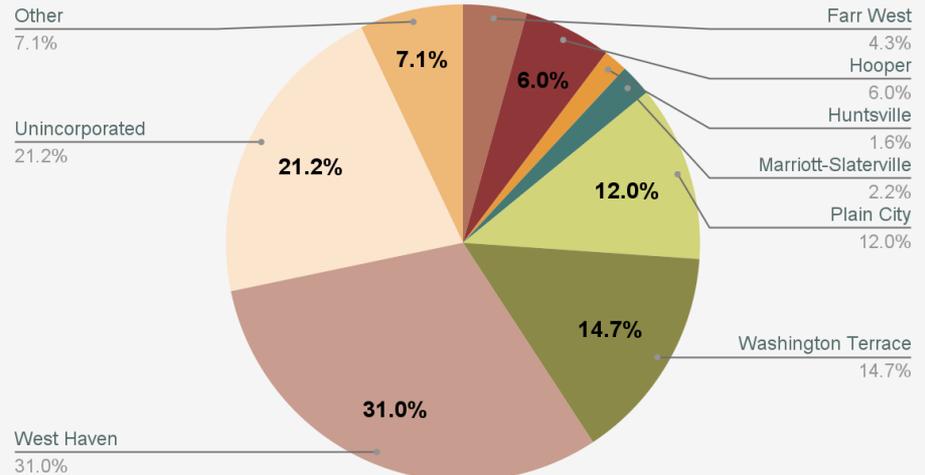
# Case Review: 2020

2020 Cases



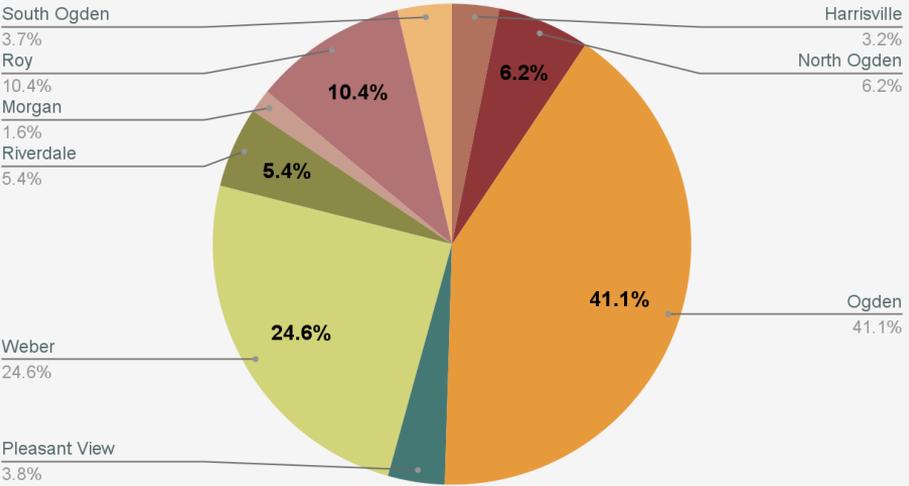
Break down of the 30% of Weber County Sheriff's cases

2020 Weber County Cities



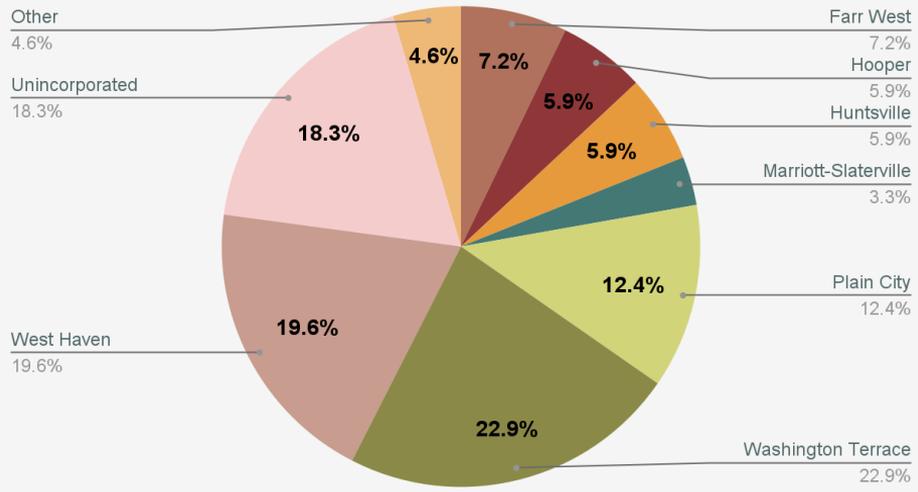
# Case Review: 2019

## 2019 Cases



Breakdown of the 24.6% of Weber County Sheriff's cases

## 2019 Weber County Cities



Jurisdiction	2021	2020	2019	3 Year Total	3 Year Average	Percent of 3 Year Total	Percentage of 1.5 Million	Percentage of 2.5 Million
Morgan	23	18	10	51	17.0000	2.7142%	\$40,713.15	\$67,855.2
North Ogden	33	47	39	119	39.6667	6.3332%	\$94,997.34	\$158,328.9
Ogden	284	237	257	778	259.3333	41.4050%	\$621,075.04	\$1,035,125.0
Pleasant View	25	14	24	63	21.0000	3.3528%	\$50,292.71	\$83,821.1
Riverdale	22	22	34	78	26.0000	4.1511%	\$62,267.16	\$103,778.6
Roy	63	51	65	179	59.6667	9.5263%	\$142,895.16	\$238,158.5
South Ogden	35	27	23	85	28.3333	4.5237%	\$67,855.24	\$113,092.0
Harrisville	11	18	20	49	16.3333	2.6078%	\$39,116.55	\$65,194.2
Farr West	9	8	11	28	9.3333	1.4902%	\$22,352.32	\$37,253.8
Hooper	9	11	9	29	9.6667	1.5434%	\$23,150.61	\$38,584.3
Huntsville	5	3	9	17	5.6667	0.5000%	\$7,500.00	\$12,500.0
Marriott-Slaterville	7	4	5	16	5.3333	0.5000%	\$7,500.00	\$12,500.0
Plain City	12	22	19	53	17.6667	2.8206%	\$42,309.74	\$70,516.2
Washington Terrace	25	27	35	87	29.0000	4.6301%	\$69,451.84	\$115,753.0
West Haven	23	57	30	110	36.6667	5.8542%	\$87,812.67	\$146,354.4
WC - Unincorporated Weber County	40	39	28	107	35.6667	5.6945%	\$85,417.78	\$142,362.9
Uintah	1	0	0	1	0.3333	0.5000%	\$7,500.00	\$12,500.0
WC Other - reassigned new jurisdiction	9	13	7	29	9.6667	1.5434%	\$23,150.61	\$38,584.3
	636	618	625	1879	626.3333	100.0000%	\$1,585,418.00	\$2,492,263.1
				0	0.0000	0.0000%	\$0.00	\$0.0
				0	0.0000	0.0000%	\$0.00	\$0.0
Weber County Flat Contribution				0	0.0000	0.0000%	\$1,000,000.00	\$0.0
				0	0.0000	0.0000%	\$0.00	\$0.0
Weber + contracted cities & Other	140	186	154	480	160.0000	25.5455%	\$383,182.54	\$638,637.5

**RIVERDALE CITY  
CITY COUNCIL AGENDA  
November 1, 2022**

**AGENDA ITEM: G4**

**SUBJECT:** Consideration of Ordinance #958 to approve proposed rezone request from Regional Commercial (C-3) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately the southeast corner of 4400 South 700 West, Riverdale, Utah 84405, as requested by Forza Development group.

**PRESENTER:** Mike Eggett, Community Development

**INFORMATION:**

- a. [4400 S 700 W Rezone Exec Summ – PC \[20221011\]](#)
- b. [Ordinance #958](#)
- c. [Riv General Plan – Area 7](#)
- d. [4400 S 700 W Rezone Area – 20221005](#)
- e. [4400 S 700 W – Rezone App Update Forza Group 20220822](#)
- f. [4400 South 700 West Rezone – Pub Hear Notice Checklist](#)
- g. [4400 S and 4450 S 700 W Rezone – Pub Entities List 20220929](#)
- h. [4400 S 700 W Rezone 10-9a-205\(4\)\(a\) notice to Garff Properties Riverdale, LLC](#)
- i. [4400 South 700 West Rezone – CERT OF SIGN PLACEMENT](#)
- j. [4400 S 700 W Rezone - Sign Posting 20220929](#)
- k. [Notice of Public Hearing 10-11-2022 4400 S Rezone](#)
- l. [4400 S 700 W Stand Exam Publish \[20220926\]](#)

**[BACK TO AGENDA](#)**



## City Council Executive Summary

For the Council meeting on: 11-1-2022

Petitioner: Forza Development  
Represented by Matthew Steiner

### Summary of Proposed Action

Forza Development, the petitioner in this matter, is requesting a rezone of property located at approximately 4400 South 700 West from Regional Commercial (C-3) zoning to Multiple-Family Residential (R-4) zoning to allow for the possibility of future development for a form of multiple family residential unit facilities on this property (see the application documents for further explanation). Neighboring property to the north is currently zoned with R-5 zoning along 4400 South; property to the east is currently zoned with R-4 zoning and then the Weber River is here; properties to the south are zoned with C-3 zoning and Riverdale Road is also here; and properties to the west are zoned with R-2 and C-3 zoning and this property is along 700 West. This request is for approximately 0.71 acres of land located on this property along 700 West and 4400 South that would potentially be affected by the proposed rezone request (see the attached zoning map document for more information).

As required by State Code and to allow for public commentary, a public hearing was previously noticed and held on October 11, 2022, to receive and consider public comment on the proposed amendment to the zoning map. Prior to the completion of this summary and then during the hearing, no comments were received by City Staff regarding this rezone request.

At the conclusion of the public hearing in this matter, the Planning Commission discussed the rezone request and then approve a favorable recommendation to the City Council for approval of this rezone request.

Following the discussion of this matter, the City Council may approve the rezone request or not approve the rezone request, with the appropriate findings of fact to support the Council's recommendation. The City Council may also elect to table the request with the appropriate findings and reasoning to do such.

### Title 10 Ordinance Guidelines (Code Reference)

This rezone request is regulated under City Code 10-5 "Rezone Requests" and is affected by City Codes 10-10A "Commercial (C-1, C-2, C-3) zones" and 10-9E "Multiple-Family Residential (R-4) zone".

The petitioner's property is currently listed in the County Records under the ownership of Garff Properties Riverdale, LLC. This property has historically been used as a vehicular parking area or otherwise vacant area.

The appropriate application and supporting documentation have been submitted and provided to the City Council for review (please see attached applicant response documentation and maps for more).

For more information relative to the zoning codes affecting this request and permitted and conditional uses for these zones, please reference the respective sections of City Code, as noted above.

Public hearing notifications required by State and City Codes have been completed in conformance with the standards established by these Codes and as reflected in the attached documentation.

Staff would encourage the City Council to review this matter and discuss with the petitioners any concerns that may arise in this matter. Staff would then recommend that the City Council act accordingly to approve, table, or not approve the rezone request based upon sufficient findings of fact to support the Council's decision.

General Plan Guidance (Section Reference)

***Please note that the General Plan and Land Use Master Plan element are advisory documents established for guidance regarding citywide land use decisions.***

The General Plan use for this area is currently set as "Planned Commercial - High". The proposed rezone request and project concept requested will likely be supportive of surrounding properties with this land use designation, but this requested use does not directly match the land use designation for Area 7 of the Riverdale General Plan.

Documentation regarding General Plan Area 7 and recommended land uses has been provided in the packet.

Legal Comments – City Attorney

\_\_\_\_\_  
Steve Brooks, Attorney

Administrative Comments – City Administrator

\_\_\_\_\_  
Steve Brooks, City Administrator



**ORDINANCE NO. 958**

**AN ORDINANCE AMENDING THE ZONING OF PROPERTY AND THE CITY'S LAND USE MAP, TO CHANGE THE LAND USE DESIGNATION OF LAND LOCATED AT APPROXIMATELY 700 WEST 4400 SOUTH FROM REGIONAL COMMERCIAL (C-3) TO MULTIPLE FAMILY RESIDENTIAL (R-4) ZONING; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, The petitioner, Forza Development, (Petitioner), has requested that approximately .71 acres, located at approximately 700 West 4400 South be rezoned from Regional Commercial (C-3) to Multiple-Family Residential (R-4) zoning, all located in Riverdale City, Weber County; and

**WHEREAS**, the Riverdale City Planning Commission held a duly advertised public hearing on October 11, 2022 to receive comments on the proposed amendment and has considered all comments received, as required by state law and local ordinance; and

**WHEREAS**, the Planning Commission voted to grant the requested rezone and amendment to the land use map and forwarded that approval and recommendation to the City Council. The original petition has now been passed on to the City Council to either follow or modify the recommendation of the Planning Commission and either allow or deny the rezone and plan amendment; and

**WHEREAS**, the Riverdale City Council has conducted a duly advertised public meeting on the proposed amendment and reviewed the minutes of the Planning Commission and all other relevant information and finds that the proposed rezone IS in the best interest of the City or of the citizens of Riverdale City; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RIVERDALE, UTAH, AS FOLLOWS:**

**Section 1.**

After reviewing the material presented to the Planning Commission in the public hearing, and all subsequent information and evidence presented in addition thereto, the Riverdale City Council finds that it IS in the best interest of Riverdale City and DOES meet the goals or policies of the City's land use development plan and does not raise significant issues or concerns about safety, planning and/or the impact on the City's resources and services. The Council hereby APPROVES the rezone request made by the land owner to amend approximately .71 acres, located at or near 700 West 4400 South from Regional Commercial (C-3) to Multiple-Family Residential (R-4) zoning and directs staff to implement any and all action(s) to help facilitate the lawful and conforming re-zone approval.

**Section 2. Severability.**

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the intent to pass the Ordinance without such unconstitutional or invalid part therein, and the remainder of this

Ordinance shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Section 3.**

The effective date of this ordinance shall be effective immediately or as otherwise allowed by law.

**PASSED, ADOPTED AND ORDERED POSTED** this \_\_\_\_ day of November, 2022.

\_\_\_\_\_  
Braden Mitchell, Mayor

Attest:

\_\_\_\_\_  
Michelle Marigoni, City Recorder

## AREA SEVEN

See Figure 13 for more regarding this area. This area is bounded by I-84 on the west, transitional areas of low density residential uses and senior living apartments to the north in Area Six, the Weber River and its trail system to the east, and a mobile home park site to the south adjacent to I-84 and the Schneider's Riverside Golf Course.

There is a transitional section of this area to the north and planning efforts should be in this northern location should be sensitive to the needs and impacts on residential areas located in the south of Area Six. The property on the south side of 4400 South, between 1025 West and 700 West is an extremely strategic land use area for Riverdale City. It is very important in terms of stabilizing and enhancing the neighborhood development to the north since it represents the transitional area between traditional residential neighborhoods and intense development along Riverdale Road. The area between 700 West and 900 West, property fronting 4400 South (the north portion of the parcels), should remain Residential. Properties fronting 4450 South (the south portion of the parcels) are designated as Mixed Use, with the line of demarcation between residential and commercial extending to the west side of 900 West, where residential would front 4400 South, and commercial to the south fronting 900 West. The demarcation line runs between 4400 South and 4450 South, from 700 West approximately 442.50' West at 130' from 4400 South to that point continuing to 900 West at 227' from 4400 South. The area north of this line would remain residential. The area south of this demarcation line running to 4450 South may be a mixed use. The H & P properties are currently zoned commercial on the south side of the demarcation line and two lots on the north side of the line are zoned mixed use residential where two (2) separate four (4) unit owner occupied townhouses currently sit. The land use map reflects current planned uses for this location. Additionally, a single-family residential patio home development project has been developed in this area at 785 West 4450 South. This residential development is located in a Planned Unit Residential Development overlay district and the residences are subject to a homeowner's association. The Mixed Use zone is designed to permit only those businesses which would not have a noise impact on surrounding residential areas, would not accept deliveries at late hours; would not incur heavy vehicle traffic (such as fast food restaurants, low impact retail, etc.), and would have limited hours of operation. The mixed use zone protects existing residential while allowing property owners on 4450 South choices on developing their property as residential, residential/commercial mix or commercial.

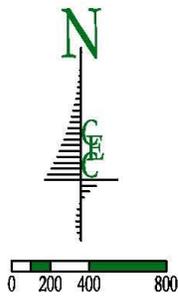
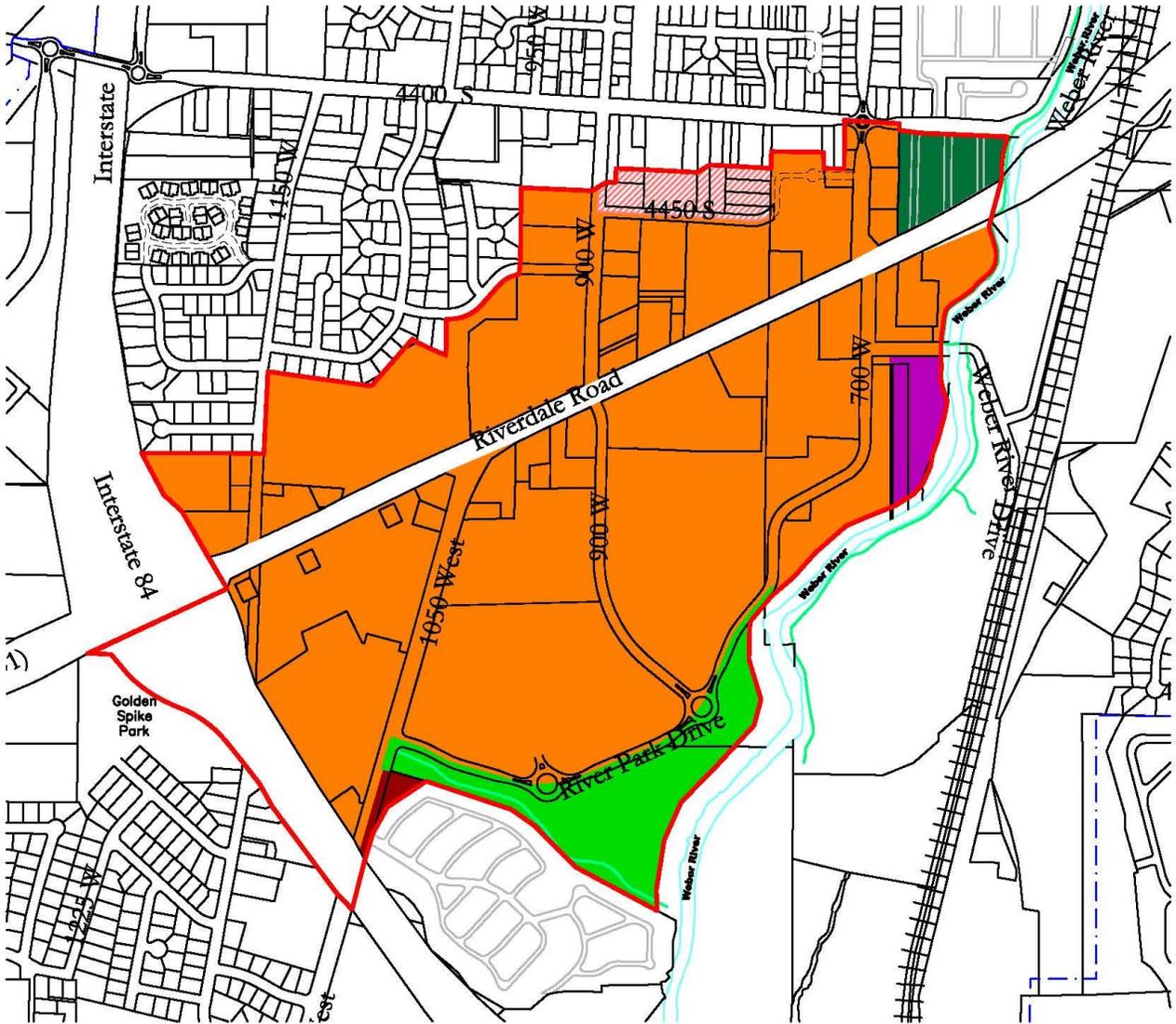
There is an existing gas station/convenience store on the east side of 700 West and Riverdale Road and a small retail/office shopping plaza on the west side of 700 West that is in the Planned Commercial High land use category. There is also a section of residential medium density in the northeast of this area, along 4400 South and near 700 West, which has potential to be converted to a planned commercial use in the future. A future transition in housing options on the modular home park in this area (at approximately 650 West 4400 South) may also make sense in order to accommodate potential alternative multi-housing options at the modular home park location. There is also a parcel along 4600 South, owned by Crabtree Auto, which is reflected as Planned Manufacturing and, for the time being, should remain as such. Additionally, there is an abundance of Planned Commercial High land use category properties in this area that should continue to be planned for this

use in the future. These properties are crucial to the continued financial operations of the City and its resources. Fostering and maintaining positive relationships with businesses are property owners in this area is key to the City's continued success.

On the south side of this area there is a section of property located along Weber River Drive that is designated as Recreational/Open Space and is now planned to be developed as a regional park by the City. Multiple other land use proposals have been considered for this property, but have had difficulties in changing the use of the property due to the City's historical desire to see the land developed for an Office Park use or similar retail/commercial use. Initial concepts for this land included a mixture of commercial development, office park development and open-space development, which could be developed pursuant to a City approved overlay zone and development agreement. However, in the summer of 2014 the City leadership had the opportunity to acquire this property from the landholder. This purchase of the property, if completed, will allow the City to have the option of establishing a major regional city park at this location and this would likely be of great benefit to the residents of the community. The City is in need of a new site for a large park as the current Riverdale Park is running out of capacity for any additional development and may be encroached upon in the future by the Weber School District in order to meet the expansion needs of the Riverdale Elementary School.

Riverdale Road, 1050 West, 700 West, 900 West, and Weber River Drive are all major roadways in this area. UDOT has completed a major reconstruction of Riverdale Road in recent years and also has oversight over 1050 West construction and use. Weber River Drive, 700 West, and 900 West are all City roads and should be maintained and enhanced to the benefit of this area for continued operational functionality.

Figure 13 - Alternate Land Uses - Area 7



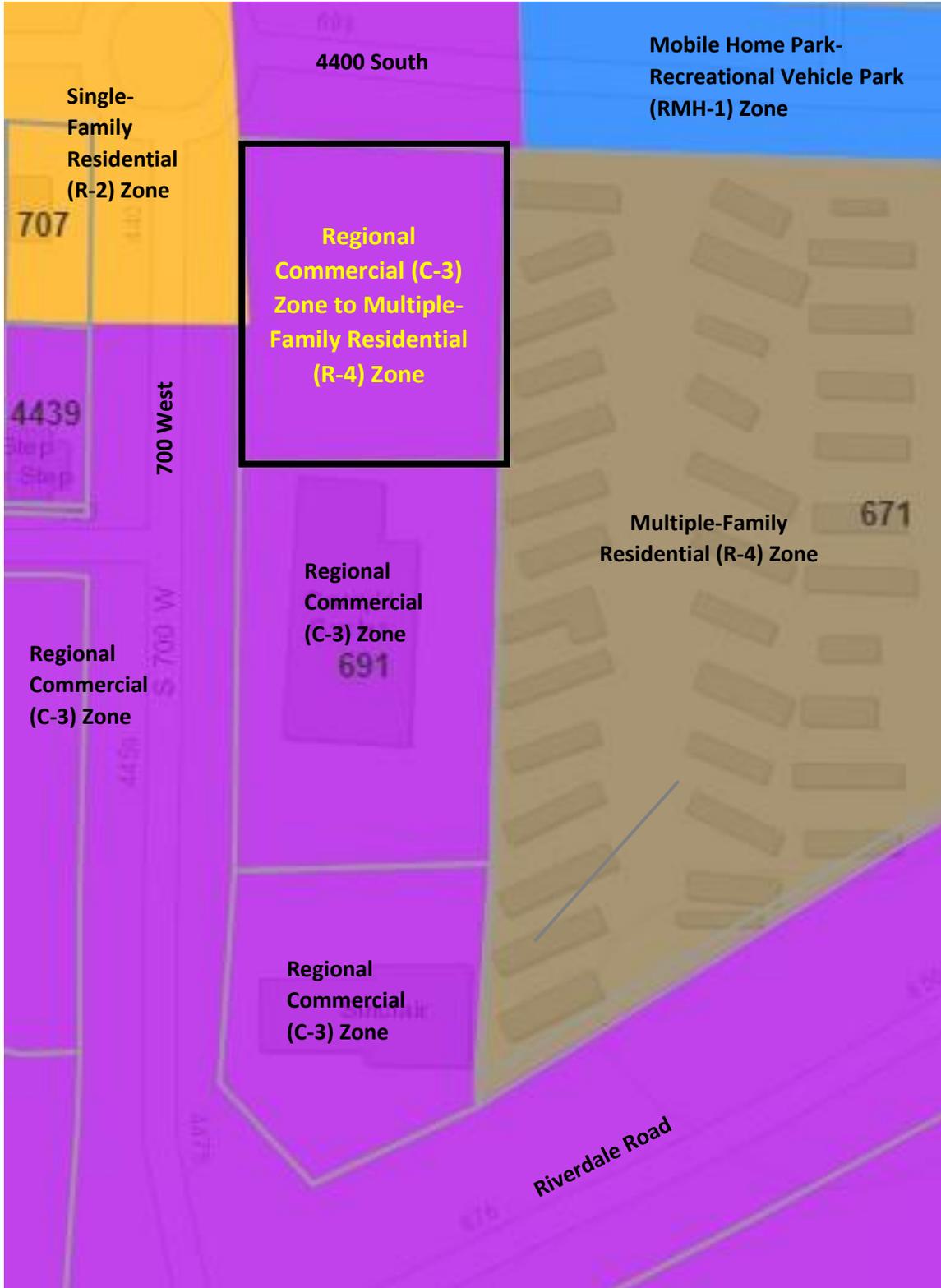
# AREA 7

## LAND USE GENERAL PLAN

- |   |   |
|---|---|
|  Agricultural                      |  Planned Manufacturing        |
|  Residential - Low Density         |  Special Use District - Light |
|  Residential - Medium Density      |  Industrial / Business Park   |
|  High Density - Multi Family       |  Institutional                |
|  Residential Overlay Zone          |  Recreational / Open Space    |
|  Mixed Use                         |  Weber River Parkway          |
|  Neighborhood Commercial - Low     |  Utility                      |
|  Planned Commercial / Prof. Office |   |
|  Planned Commercial - High         |   |
|  Commercial/Office/Business Park   |   |

October 5<sup>th</sup>, 2022

Forza Development Group – rezone request for property at approximately 4400 South 700 West from Regional Commercial (C-3) Zone to Multiple-Family Residential (R-4) Zone. Area bound in black requested to be rezoned as noted.





# Riverdale City

Community Development  
4600 So. Weber River Drive  
Riverdale, Utah 84405  
Acct # 10-34-1500

## RIVERDALE CITY REZONE REQUEST APPLICATION

DATE SUBMITTED 8/22/2022 FEE SCHEDULE: **\$350**

APPLICANT NAME Forza Development PHONE NUMBER: 801-445-8005

APPLICANT ADDRESS 2180 South 1300 E Suite 240  
Salt Lake City, Utah 84106

ADDRESS OF SITE South East Corner of 4400 South 700 W

PROPERTY OWNER Garff Properties Riverdale LLC

PRESENT ZONING Commercial (C-3)

PRESENT USE: None

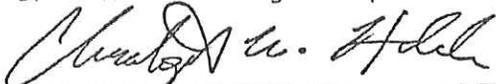
PROPOSED ZONING Medium Density Residential (R-4)

PROPOSED USE: Multifamily Apartment

PROPERTY ACREAGE: 0.71

Answer the following questions with specifics on a separate sheet. This information will be forwarded to the Planning Commission members for review.

- A. Why should the present zoning be changed?
- B. How is the proposed change in harmony with the City General Plan for this area?
- C. If the proposed change is not in harmony, what conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
- D. How is the change in the public interest as well as the applicant's desire?

  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Signature of Property Owner

I authorize Christopher Hatch to act as my representative in all matters relating to this application.



## APPLICATION REQUIREMENTS AND PROCEDURE FOR REZONE REQUEST

1. The applicant shall submit to the City Recorder the following:
  - a. Completed REZONE REQUEST APPLICATION formally requesting a rezone and stating the reasons for the request.
  - b. PROPERTY PLAT MAP of the area of the requested rezone. Plats are available at the Weber County Recorder's Office.
  - c. LEGAL DESCRIPTION of the subject property.
  - d. REZONE REQUEST FEE of \$350 as established by resolution of the Riverdale City Council.
  
2. The Planning Commission, following the public hearing, will consider action to approve or deny the rezone request. The Planning Commission may take up to thirty (30) days following the public hearing to act on the rezone request. The decision of the Planning Commission will be forwarded to the City Council with the Planning Commission recommendation. The City Council will then make the final decision. If the request is approved, an ordinance will be signed and filed. The application / property owner may obtain a copy of the ordinance if desired.
  
3. If approved, the rezone will become effective upon posting of the ordinance.

Planning Commission scheduled public hearing:

Date: 10/11/2022

Decision: Recommend City Council Approval

City Council consideration of application:

Date: 11/1/2022

Decision: \_\_\_\_\_

**A. Why should the present zoning be changed?**

The property is adjacent to the mobile home park which in our development plan will be removed for a new apartment complex to take its place. This plot is included in our plans and will allow us to redevelop the surrounding area into a beautiful new housing option.

**B. How is the proposed change in harmony with the City General Plan for the area?**

The general plan does show that the surrounding area that is included in our plan is designated as medium density residential. The new development will stick with the city's plan while revitalizing the area.

**C. If the proposed change is not in harmony, what conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?**

The change is in harmony with the surrounding parcels and the rezoning does make the area of medium density residential extend just slightly further which is warranted with the growth that the area has seen recently leading to a need for more rentable living spaces.

**D. How is the change in the public interest as well as the applicant's desire?**

The change will make the area drastically more appealing to the community, providing more options for housing in Riverdale in a way that has much more curb appeal than the current mobile home park.

RIVERDALE CITY CORPORATION  
4600 SOUTH WEBER RIVER DRIVE  
RIVERDALE UT 84405

394-5541

Receipt No: 15.551621

Aug 22, 2022

FORZA DEVELOPMENT, LLC

Previous Balance:	.00
MISCELLANEOUS - SOUTH EAST CORNER OF 4400 S 700 W 10-34-1500 ZONING & SUB. FEES	350.00

---

Total:	350.00
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CHECK	Check No: 3128	350.00
Total Applied:		350.00

---

Change Tendered:	.00
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08/22/2022 8:41 AM

## **4400 South 700 West – Checklist Regarding Public Hearing Notice for Rezone Request**

- Notice Sent to Affected Entities (10 days before hearing date)
  - Documented List Verifying Date Sent
- Form Letter Sent to Affected Property Owner(s) Due to Rezone per 10-9a-205(4)(b) (10 days prior to hearing date)
- Notice in Newspaper of General Circulation (10 days prior to hearing date)
- Notice on City Website (10 days prior to hearing date)
- Sign Placed on Subject Property (10 days prior to hearing date)
  - Picture and Certification of Sign Placement Completed
- Notice Placed on State Public Meeting Notice Website (10 days prior to hearing date)

## **Affected Entities Notice Listing Information**

### **4400 South 700 West and 4450 South 700 West**

Affected entity notice was sent to the following groups on the dates listed below.

1. UDOT – Region One: sent on September 29, 2022
2. Weber School District: sent on September 29, 2022
3. Weber County Government: sent on September 29, 2022
4. Roy Water Conservancy District: sent on September 29, 2022
5. Weber Basin Water Conservancy District: sent on September 29, 2022
6. Comcast: sent on September 29, 2022
7. Century Link: sent on September 29, 2022
8. Rocky Mountain Power: sent on September 29, 2022
9. Dominion Energy: sent on September 29, 2022
10. Central Weber Sewer District: sent on September 29, 2022



September 29<sup>th</sup>, 2022

**Garff Properties Riverdale, LLC**  
111 E. Broadway, Ste 900  
Salt Lake City, UT 84111-5235

Dear Garff Properties Riverdale, LLC Group:

Below is a notice of public hearing for a proposed rezone request for properties located at approximately 4400 South 700 West and 4450 South 700 West in Riverdale City.

**Notice of Public Hearing**  
Riverdale Planning Commission  
Tuesday, October 11<sup>th</sup>, 2022  
Which begins at 6:30 p.m.

Riverdale Community Center  
4360 South Parker Drive  
Riverdale, Utah

The Riverdale Planning Commission will hold a public hearing to receive and consider public comment on the following proposed rezone request:

The rezone request is for properties located at approximately 4400 South and 4450 South 700 West in Riverdale City from Regional Commercial (C-3) zoning to Multiple-Family Residential (R-4) zoning.

Further information regarding this proposal can be viewed at [www.riverdalecity.com](http://www.riverdalecity.com). Public comment is invited and interested parties are encouraged to attend. The public may also participate by emailing the City Recorder at [mmarigoni@riverdalecity.com](mailto:mmarigoni@riverdalecity.com).

You may review the current and proposed zoning on our city website ([www.riverdalecity.com](http://www.riverdalecity.com)) under the “City Code” tab. The C-3 zoning language is found under Title 10, Chapter 10A; and the R-4 zoning language is found under Title 10, Chapter 9E.

As a potentially affected owner of property at the proposed rezone location, you may, no later than 10 days after the day of the first public hearing, file a written objection to your inclusion of property to this rezone request. Any formal protests should be submitted by mail to Riverdale Civic Center, 4600 So. Weber River Drive, Riverdale, UT 84405, or by email to [meggett@riverdalecity.com](mailto:meggett@riverdalecity.com). Any formal protests submitted to the City will be shared with the Planning Commission and City Council respectively throughout the process.

Please feel free to contact me with any follow-up questions, comments, or concerns that you may have regarding this matter via telephone at 801-394-5541 ext. 1215 or email at [meggett@riverdalecity.com](mailto:meggett@riverdalecity.com).

Thank you,

*Michael Eggett*

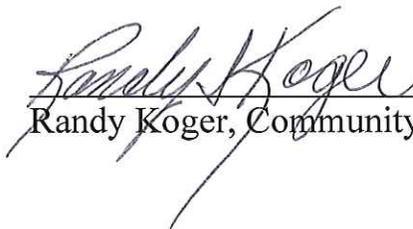
Riverdale City  
Community Development Director



# CERTIFICATION OF SIGN PLACEMENT

This is to certify that on the 29<sup>th</sup> day of September, 2022, I supervised the placement of a sign on property located at approximately 4400 South 700 West, Riverdale, Utah as a notice of a rezone request. I further certify that said sign was posted in compliance with all requirements of Riverdale Municipal Ordinance Code 10-5-3(A).

Dated this 29<sup>th</sup> day of September, 2022.

  
\_\_\_\_\_  
Randy Koger, Community Development Department



 **NOTICE OF HEARING WITH ONE**  
CALL 204 5541 x 1234



**RIVERDALE CITY  
PLANNING COMMISSION  
PUBLIC HEARING NOTICE**

Riverdale City gives notice that on Tuesday, October 11, 2022, at 6:30 p.m., at the Riverdale City Civic Center, 4600 South Weber River Drive, Riverdale, Utah, the Planning Commission will hold a public hearing to receive and consider public comments regarding the following:

Proposed Rezone Request from Regional Commercial (C-3) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately southeast corner of 4400 South 700 West, Riverdale, Utah 84405, as requested by Forza Development Group.

The public is invited to review and inspect all information available concerning such proposal(s) at the Riverdale City Offices during the regular office hours, 8:00 a.m. to 5:00 p.m. Monday through Friday. The public or any interested parties may present written or oral testimony to the Riverdale City Planning Commission concerning the proposed action at the aforementioned time and place.

---

**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 26<sup>th</sup> day of September, 2022 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>.

This notice is scheduled to be published in the Standard Examiner on Saturday, October 1, 2022.

Michelle Marigoni  
Riverdale City Recorder



# INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Standard-Examiner** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(801) 625-4302**.

Notice ID: 2OeB3qK0V1DSZlacMtkA | **Proof Updated: Sep. 26, 2022 at 12:51pm MDT**  
Notice Name: Public Hearing 10/11/22 4400 S Rezone

**This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.**

<b>FILER</b>	<b>FILING FOR</b>
Michelle Marigoni mmarigoni@riverdalecity.com (801) 394-5541	Standard-Examiner

<b>Columns Wide: 1</b>	<b>Ad Class: Legals</b>
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10/01/2022: Custom	115.13
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Subtotal	\$115.13
Tax %	0.00
Processing Fee	\$11.51
<b>Total</b>	<b>\$126.64</b>

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Proposed Rezone Request from Regional Commercial (C-3) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately southeast corner of 4400 South 700 West, Riverdale, Utah 84405, as requested by Forza Development Group.

The public is invited to review and inspect all information available concerning such proposal(s) at the Riverdale City Offices during the regular office hours, 8:00 a.m. to 5:00 p.m. Monday through Friday. The public or any interested parties may present written or oral testimony to the Riverdale City Planning Commission concerning the proposed action at the aforementioned time and place.

**RIVERDALE CITY  
CITY COUNCIL AGENDA  
November 1, 2022**

**AGENDA ITEM: G5**

**SUBJECT:** Consideration of Ordinance #959 to approve proposed rezone request from Regional Commercial (C-3) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately 4450 South 700 West, Riverdale, Utah 84405, as requested by Forza Development group.

**PRESENTER:** Mike Eggett, Community Development

**INFORMATION:**

- a. [4450 S 700 W Rezone Exec Summ – PC \[20221011\]](#)
- b. [Ordinance #959](#)
- c. [Riv General Plan – Area 7](#)
- d. [4450 S 700 W Rezone Area – 20221005](#)
- e. [4450 S 700 W – Rezone App Update Forza Group 20220822](#)
- f. [4450 South 700 West Rezone – Pub Hear Notice Checklist](#)
- g. [4400 S and 4450 S 700 W Rezone – Pub Entities List 20220929](#)
- h. [4450 S 700 W Rezone 10-9a-205\(4\)\(a\) notice to The Carey Family Properties, LLC](#)
- i. [4450 South 700 West Rezone – CERT OF SIGN PLACEMENT](#)
- j. [4450 S 700 W Rezone - Sign Posting 20220929](#)
- k. [Notice of Public Hearing 10-11-2022 4450 S Rezone](#)
- l. [4450 S 700 W Stand Exam Publish \[20220926\]](#)

**[BACK TO AGENDA](#)**



## City Council Executive Summary

For the Council meeting on: 11-1-2022

Petitioner: Forza Development  
Represented by Matthew Steiner

### Summary of Proposed Action

Forza Development, the petitioner in this matter, is requesting a rezone of property located at approximately 4450 South 700 West from Regional Commercial (C-3) zoning to Multiple-Family Residential (R-4) zoning to allow for the possibility of future development for a form of multiple family residential unit facilities on this property (see the application documents for further explanation). Neighboring properties to the north are currently zoned with C-3 and R-5 zoning; property to the east is currently zoned with R-4 zoning and then the Weber River is here; properties to the south are zoned with C-3 zoning and Riverdale Road is also here; and properties to the west are zoned with C-3 zoning and this property is along 700 West. This request is for approximately 0.87 acres of land located on this property along 700 West and near to 4400 South and Riverdale Road that would potentially be affected by the proposed rezone request (see the attached zoning map document for more information).

As required by State Code and to allow for public commentary, a public hearing was previously noticed and held on October 11, 2022, to receive and consider public comment on the proposed amendment to the zoning map. Prior to the completion of this summary and then during the hearing, no comments were received by City Staff regarding this rezone request.

At the conclusion of the public hearing in this matter, the Planning Commission discussed the rezone request and then approve a favorable recommendation to the City Council for approval of this rezone request.

Following the discussion of this matter, the City Council may approve the rezone request or not approve the rezone request, with the appropriate findings of fact to support the Council's recommendation. The City Council may also elect to table the request with the appropriate findings and reasoning to do such.

### Title 10 Ordinance Guidelines (Code Reference)

This rezone request is regulated under City Code 10-5 "Rezone Requests" and is affected by City Codes 10-10A "Commercial (C-1, C-2, C-3) zones" and 10-9E "Multiple-Family Residential (R-4) zone".

The petitioner's property is currently listed in the County Records under the ownership of The Carey Family Properties, LLC. This property is currently being used as a motor vehicle and ATVs retail store site.

The appropriate application and supporting documentation have been submitted and provided to the City Council for review (please see attached applicant response documentation and maps for more).

For more information relative to the zoning codes affecting this request and permitted and conditional uses for these zones, please reference the respective sections of City Code, as noted above.

Public hearing notifications required by State and City Codes have been completed in conformance with the standards established by these Codes and as reflected in the attached documentation.

Staff would encourage the City Council to review this matter and discuss with the petitioners any concerns that may arise in this matter. Staff would then recommend that the City Council act accordingly to approve, table, or not approve the rezone request based upon sufficient findings of fact to support the Council's decision.

General Plan Guidance (Section Reference)

***Please note that the General Plan and Land Use Master Plan element are advisory documents established for guidance regarding citywide land use decisions.***

The General Plan use for this area is currently set as "Planned Commercial - High". The proposed rezone request and project concept requested will likely be supportive of surrounding properties with this land use designation, but this requested use does not directly match the land use designation for Area 7 of the Riverdale General Plan.

Documentation regarding General Plan Area 7 and recommended land uses has been provided in the packet.

Legal Comments – City Attorney

\_\_\_\_\_  
Steve Brooks, Attorney

Administrative Comments – City Administrator

\_\_\_\_\_  
Steve Brooks, City Administrator



**ORDINANCE NO. 959**

**AN ORDINANCE AMENDING THE ZONING OF PROPERTY AND THE CITY'S LAND USE MAP, TO CHANGE THE LAND USE DESIGNATION OF LAND LOCATED AT APPROXIMATELY 700 WEST 4450 SOUTH FROM REGIONAL COMMERCIAL (C-3) TO MULTIPLE FAMILY RESIDENTIAL (R-4) ZONING; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, The petitioner, Forza Development, (Petitioner), has requested that approximately .87 acres, located at approximately 700 West 4450 South be rezoned from Regional Commercial (C-3) to Multiple-Family Residential (R-4) zoning, all located in Riverdale City, Weber County; and

**WHEREAS**, the Riverdale City Planning Commission held a duly advertised public hearing on October 11, 2022 to receive comments on the proposed amendment and has considered all comments received, as required by state law and local ordinance; and

**WHEREAS**, the Planning Commission voted to grant the requested rezone and amendment to the land use map and forwarded that approval and recommendation to the City Council. The original petition has now been passed on to the City Council to either follow or modify the recommendation of the Planning Commission and either allow or deny the rezone and plan amendment; and

**WHEREAS**, the Riverdale City Council has conducted a duly advertised public meeting on the proposed amendment and reviewed the minutes of the Planning Commission and all other relevant information and finds that the proposed rezone IS in the best interest of the City or of the citizens of Riverdale City; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RIVERDALE, UTAH, AS FOLLOWS:**

**Section 1.**

After reviewing the material presented to the Planning Commission in the public hearing, and all subsequent information and evidence presented in addition thereto, the Riverdale City Council finds that it IS in the best interest of Riverdale City and DOES meet the goals or policies of the City's land use development plan and does not raise significant issues or concerns about safety, planning and/or the impact on the City's resources and services. The Council hereby APPROVES the rezone request made by the land owner to amend approximately .87 acres, located at or near 700 West 4450 South from Regional Commercial (C-3) to Multiple-Family Residential (R-4) zoning and directs staff to implement any and all action(s) to help facilitate the lawful and conforming re-zone approval.

**Section 2. Severability.**

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the intent to pass the Ordinance without such unconstitutional or invalid part therein, and the remainder of this

Ordinance shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Section 3.**

The effective date of this ordinance shall be effective immediately or as otherwise allowed by law.

**PASSED, ADOPTED AND ORDERED POSTED** this \_\_\_\_ day of November, 2022.

\_\_\_\_\_  
Braden Mitchell, Mayor

Attest:

\_\_\_\_\_  
Michelle Marigoni, City Recorder

## AREA SEVEN

See Figure 13 for more regarding this area. This area is bounded by I-84 on the west, transitional areas of low density residential uses and senior living apartments to the north in Area Six, the Weber River and its trail system to the east, and a mobile home park site to the south adjacent to I-84 and the Schneider's Riverside Golf Course.

There is a transitional section of this area to the north and planning efforts should be in this northern location should be sensitive to the needs and impacts on residential areas located in the south of Area Six. The property on the south side of 4400 South, between 1025 West and 700 West is an extremely strategic land use area for Riverdale City. It is very important in terms of stabilizing and enhancing the neighborhood development to the north since it represents the transitional area between traditional residential neighborhoods and intense development along Riverdale Road. The area between 700 West and 900 West, property fronting 4400 South (the north portion of the parcels), should remain Residential. Properties fronting 4450 South (the south portion of the parcels) are designated as Mixed Use, with the line of demarcation between residential and commercial extending to the west side of 900 West, where residential would front 4400 South, and commercial to the south fronting 900 West. The demarcation line runs between 4400 South and 4450 South, from 700 West approximately 442.50' West at 130' from 4400 South to that point continuing to 900 West at 227' from 4400 South. The area north of this line would remain residential. The area south of this demarcation line running to 4450 South may be a mixed use. The H & P properties are currently zoned commercial on the south side of the demarcation line and two lots on the north side of the line are zoned mixed use residential where two (2) separate four (4) unit owner occupied townhouses currently sit. The land use map reflects current planned uses for this location. Additionally, a single-family residential patio home development project has been developed in this area at 785 West 4450 South. This residential development is located in a Planned Unit Residential Development overlay district and the residences are subject to a homeowner's association. The Mixed Use zone is designed to permit only those businesses which would not have a noise impact on surrounding residential areas, would not accept deliveries at late hours; would not incur heavy vehicle traffic (such as fast food restaurants, low impact retail, etc.), and would have limited hours of operation. The mixed use zone protects existing residential while allowing property owners on 4450 South choices on developing their property as residential, residential/commercial mix or commercial.

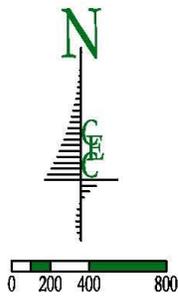
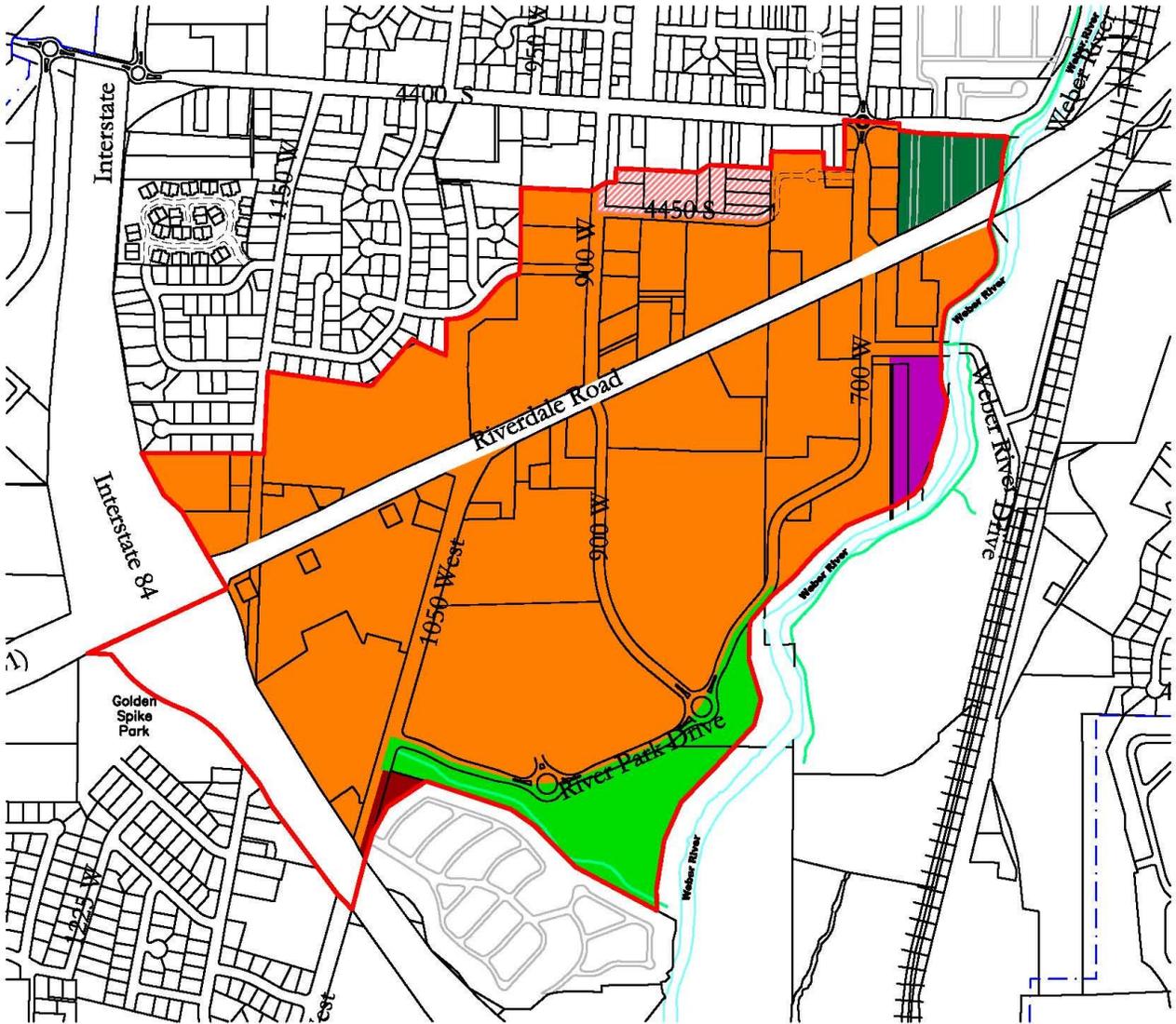
There is an existing gas station/convenience store on the east side of 700 West and Riverdale Road and a small retail/office shopping plaza on the west side of 700 West that is in the Planned Commercial High land use category. There is also a section of residential medium density in the northeast of this area, along 4400 South and near 700 West, which has potential to be converted to a planned commercial use in the future. A future transition in housing options on the modular home park in this area (at approximately 650 West 4400 South) may also make sense in order to accommodate potential alternative multi-housing options at the modular home park location. There is also a parcel along 4600 South, owned by Crabtree Auto, which is reflected as Planned Manufacturing and, for the time being, should remain as such. Additionally, there is an abundance of Planned Commercial High land use category properties in this area that should continue to be planned for this

use in the future. These properties are crucial to the continued financial operations of the City and its resources. Fostering and maintaining positive relationships with businesses are property owners in this area is key to the City's continued success.

On the south side of this area there is a section of property located along Weber River Drive that is designated as Recreational/Open Space and is now planned to be developed as a regional park by the City. Multiple other land use proposals have been considered for this property, but have had difficulties in changing the use of the property due to the City's historical desire to see the land developed for an Office Park use or similar retail/commercial use. Initial concepts for this land included a mixture of commercial development, office park development and open-space development, which could be developed pursuant to a City approved overlay zone and development agreement. However, in the summer of 2014 the City leadership had the opportunity to acquire this property from the landholder. This purchase of the property, if completed, will allow the City to have the option of establishing a major regional city park at this location and this would likely be of great benefit to the residents of the community. The City is in need of a new site for a large park as the current Riverdale Park is running out of capacity for any additional development and may be encroached upon in the future by the Weber School District in order to meet the expansion needs of the Riverdale Elementary School.

Riverdale Road, 1050 West, 700 West, 900 West, and Weber River Drive are all major roadways in this area. UDOT has completed a major reconstruction of Riverdale Road in recent years and also has oversight over 1050 West construction and use. Weber River Drive, 700 West, and 900 West are all City roads and should be maintained and enhanced to the benefit of this area for continued operational functionality.

Figure 13 - Alternate Land Uses - Area 7



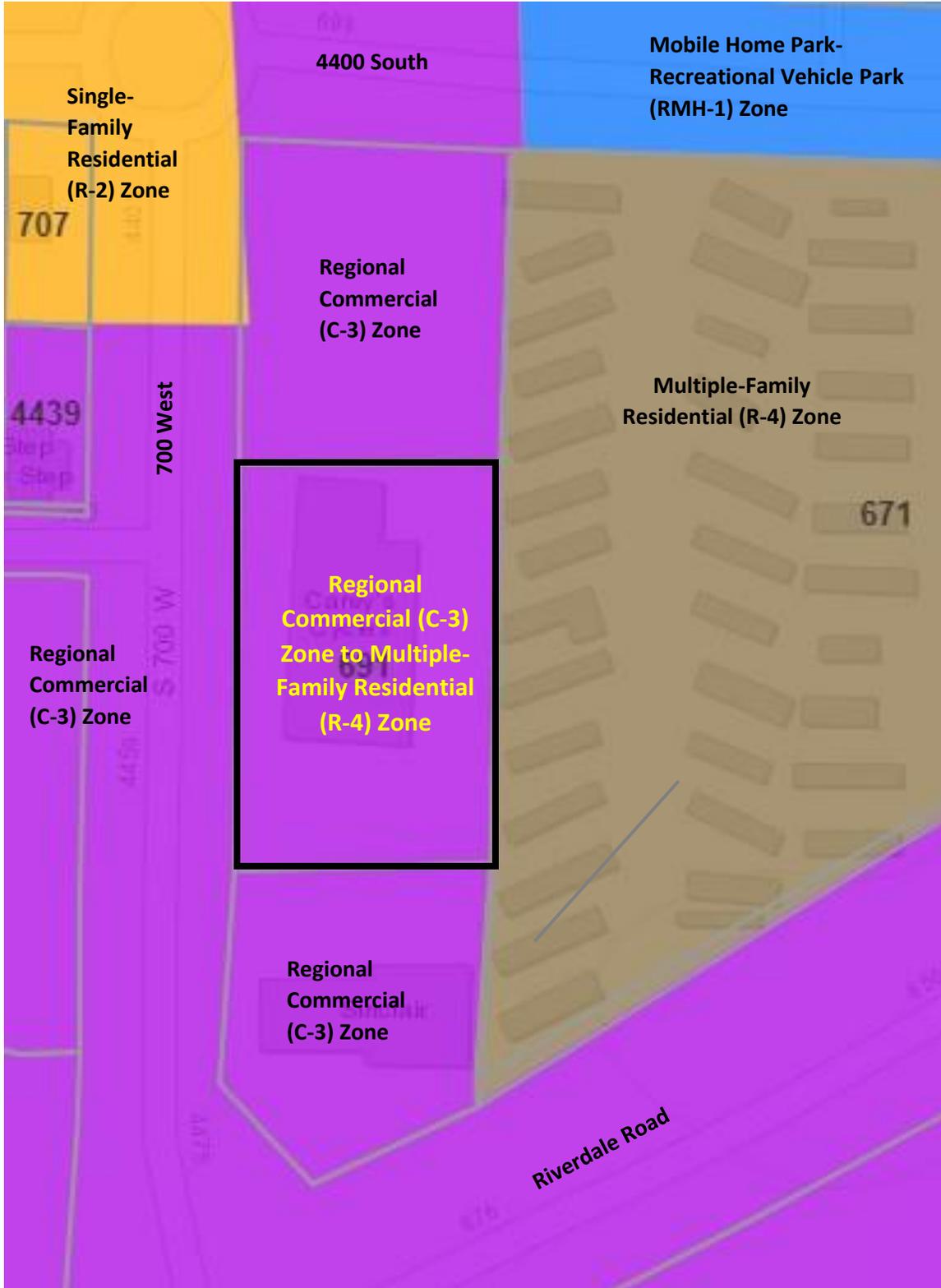
# AREA 7

## LAND USE GENERAL PLAN

- |   |  |
|---|--|
|  Agricultural                      |  Planned Manufacturing                                   |
|  Residential - Low Density         |  Special Use District - Light Industrial / Business Park |
|  Residential - Medium Density      |  Institutional   |
|  High Density - Multi Family       |  Recreational / Open Space                               |
|  Residential Overlay Zone          |  Weber River Parkway                                     |
|  Mixed Use                         |  Utility   |
|  Neighborhood Commercial - Low     |  |
|  Planned Commercial / Prof. Office |  |
|  Planned Commercial - High         |  |
|  Commercial/Office/Business Park   |  |

October 5<sup>th</sup>, 2022

Forza Development Group – rezone request for property at approximately 4450 South 700 West from Regional Commercial (C-3) Zone to Multiple-Family Residential (R-4) Zone. Area bound in black requested to be rezoned as noted.





# Riverdale City

Community Development  
4600 So. Weber River Drive  
Riverdale, Utah 84405  
Acct # 10-34-1500

## RIVERDALE CITY REZONE REQUEST APPLICATION

DATE SUBMITTED: 8/22/2022 FEE SCHEDULE: \$350

APPLICANT NAME: Forza Development PHONE NUMBER: 801-455-8005

APPLICANT ADDRESS: 2180 S 1300 E Suite 240  
Salt Lake City, UT 84106

ADDRESS OF SITE: 4450 S. 700W, Riverdale, UT 84405

PROPERTY OWNER: The Carey Family Properties LLC

PRESENT ZONING: Commercial (C-3)

PRESENT USE: Automotive Service Center

PROPOSED ZONING: Medium Density Residential (R-4)

PROPOSED USE: Multifamily Apartment

PROPERTY ACREAGE: 0.87

Answer the following questions with specifics on a separate sheet. This information will be forwarded to the Planning Commission members for review.

- A. Why should the present zoning be changed?
- B. How is the proposed change in harmony with the City General Plan for this area?
- C. If the proposed change is not in harmony, what conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
- D. How is the change in the public interest as well as the applicant's desire?

Chris Hatch  
Signature of Applicant

Chris Hatch  
Signature of Property Owner

I authorize Chris Hatch to act as my representative in all matters relating to this application.



## APPLICATION REQUIREMENTS AND PROCEDURE FOR REZONE REQUEST

1. The applicant shall submit to the City Recorder the following:
  - a. Completed REZONE REQUEST APPLICATION formally requesting a rezone and stating the reasons for the request.
  - b. PROPERTY PLAT MAP of the area of the requested rezone. Plats are available at the Weber County Recorder's Office.
  - c. LEGAL DESCRIPTION of the subject property.
  - d. REZONE REQUEST FEE of \$350 as established by resolution of the Riverdale City Council.
  
2. The Planning Commission, following the public hearing, will consider action to approve or deny the rezone request. The Planning Commission may take up to thirty (30) days following the public hearing to act on the rezone request. The decision of the Planning Commission will be forwarded to the City Council with the Planning Commission recommendation. The City Council will then make the final decision. If the request is approved, an ordinance will be signed and filed. The application / property owner may obtain a copy of the ordinance if desired.
  
3. If approved, the rezone will become effective upon posting of the ordinance.

Planning Commission scheduled public hearing:

Date: 10/11/2022

Decision: Recommend City Council Approval

City Council consideration of application:

Date: 11/1/2022

Decision: \_\_\_\_\_

**A. Why should the present zoning be changed?**

The property is adjacent to the mobile home park which in our development plan will be removed for a new apartment complex to take its place. This plot is included in our plans and will allow us to redevelop the surrounding area into a beautiful new housing option.

**B. How is the proposed change in harmony with the City General Plan for the area?**

The general plan does show that the surrounding area that is included in our plan is designated as medium density residential. The new development will stick with the city's plan while revitalizing the area.

**C. If the proposed change is not in harmony, what conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?**

The change is in harmony with the surrounding parcels and the rezoning does make the area of medium density residential extend just slightly further which is warranted with the growth that the area has seen recently leading to a need for more rentable living spaces.

**D. How is the change in the public interest as well as the applicant's desire?**

The change will make the area drastically more appealing to the community, providing more options for housing in Riverdale in a way that has much more curb appeal than the current mobile home park.

RIVERDALE CITY CORPORATION  
4600 SOUTH WEBER RIVER DRIVE  
RIVERDALE UT 84405

394-5541

Receipt No: 15.551622

Aug 22, 2022

FORZA DEVELOPMENT, LLC

Previous Balance:	.00
MISCELLANEOUS - 691 W 4400 S	350.00
10-34-1500 ZONING & SUB. FEES	

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Total:	350.00
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CHECK <input type="checkbox"/> Check No: 3127	350.00
Total Applied:	350.00

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Change Tendered:	.00
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08/22/2022 8:43 AM

## **4450 South 700 West – Checklist Regarding Public Hearing Notice for Rezone Request**

- Notice Sent to Affected Entities (10 days before hearing date)
  - Documented List Verifying Date Sent
- Form Letter Sent to Affected Property Owner(s) Due to Rezone per 10-9a-205(4)(b) (10 days prior to hearing date)
- Notice in Newspaper of General Circulation (10 days prior to hearing date)
- Notice on City Website (10 days prior to hearing date)
- Sign Placed on Subject Property (10 days prior to hearing date)
  - Picture and Certification of Sign Placement Completed
- Notice Placed on State Public Meeting Notice Website (10 days prior to hearing date)

## **Affected Entities Notice Listing Information**

### **4400 South 700 West and 4450 South 700 West**

Affected entity notice was sent to the following groups on the dates listed below.

1. UDOT – Region One: sent on September 29, 2022
2. Weber School District: sent on September 29, 2022
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10. Central Weber Sewer District: sent on September 29, 2022



September 29<sup>th</sup>, 2022

**The Carey Family Properties, LLC**  
4450 South 700 West  
Riverdale, UT 84405

Dear The Carey Family Properties, LLC Group:

Below is a notice of public hearing for a proposed rezone request for properties located at approximately 4400 South 700 West and 4450 South 700 West in Riverdale City.

**Notice of Public Hearing**  
Riverdale Planning Commission  
Tuesday, October 11<sup>th</sup>, 2022  
Which begins at 6:30 p.m.

Riverdale Community Center  
4360 South Parker Drive  
Riverdale, Utah

The Riverdale Planning Commission will hold a public hearing to receive and consider public comment on the following proposed rezone request:

The rezone request is for properties located at approximately 4400 South and 4450 South 700 West in Riverdale City from Regional Commercial (C-3) zoning to Multiple-Family Residential (R-4) zoning.

Further information regarding this proposal can be viewed at [www.riverdalecity.com](http://www.riverdalecity.com). Public comment is invited and interested parties are encouraged to attend. The public may also participate by emailing the City Recorder at [mmarigoni@riverdalecity.com](mailto:mmarigoni@riverdalecity.com).

You may review the current and proposed zoning on our city website ([www.riverdalecity.com](http://www.riverdalecity.com)) under the “City Code” tab. The C-3 zoning language is found under Title 10, Chapter 10A; and the R-4 zoning language is found under Title 10, Chapter 9E.

As a potentially affected owner of property at the proposed rezone location, you may, no later than 10 days after the day of the first public hearing, file a written objection to your inclusion of property to this rezone request. Any formal protests should be submitted by mail to Riverdale Civic Center, 4600 So. Weber River Drive, Riverdale, UT 84405, or by email to [meggett@riverdalecity.com](mailto:meggett@riverdalecity.com). Any formal protests submitted to the City will be shared with the Planning Commission and City Council respectively throughout the process.

Please feel free to contact me with any follow-up questions, comments, or concerns that you may have regarding this matter via telephone at 801-394-5541 ext. 1215 or email at [meggett@riverdalecity.com](mailto:meggett@riverdalecity.com).

Thank you,

*Michael Eggett*

Riverdale City  
Community Development Director

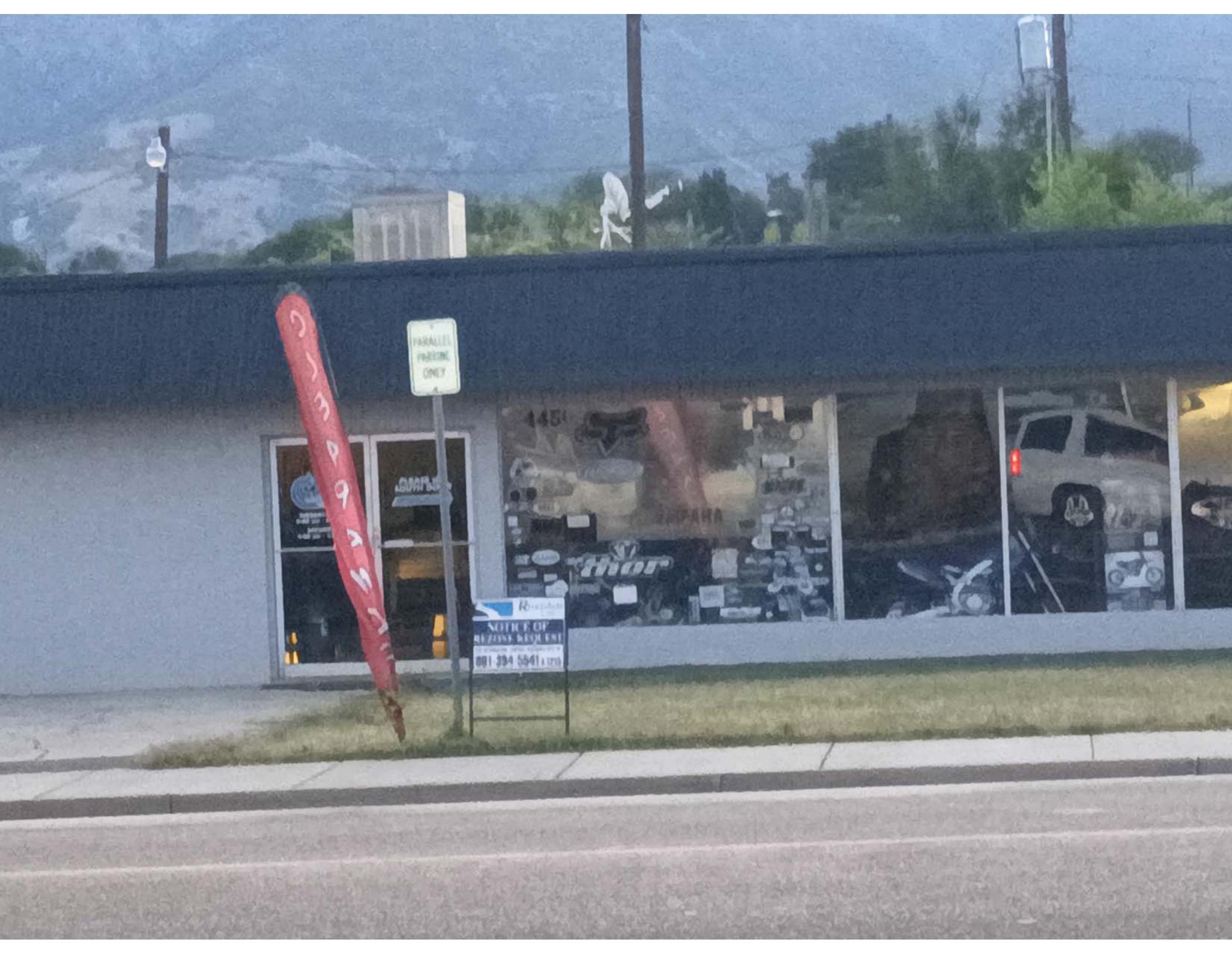


# **CERTIFICATION OF SIGN PLACEMENT**

This is to certify that on the 29<sup>th</sup> day of September, 2022, I supervised the placement of a sign on property located at approximately 4450 South 700 West, Riverdale, Utah as a notice of a rezone request. I further certify that said sign was posted in compliance with all requirements of Riverdale Municipal Ordinance Code 10-5-3(A).

Dated this 29<sup>th</sup> day of September, 2022.

  
\_\_\_\_\_  
Randy Koger, Community Development Department



PARALLEL  
PARKING  
ONLY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

Resolutions  
NOTICE OF  
REZONING REQUEST  
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**RIVERDALE CITY  
PLANNING COMMISSION  
PUBLIC HEARING NOTICE**

Riverdale City gives notice that on Tuesday, October 11, 2022, at 6:30 p.m., at the Riverdale City Civic Center, 4600 South Weber River Drive, Riverdale, Utah, the Planning Commission will hold a public hearing to receive and consider public comments regarding the following:

Proposed Rezone Request from Regional Commercial (C-3) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately 4450 South 700 West, Riverdale, Utah 84405, as requested by Forza Development Group.

The public is invited to review and inspect all information available concerning such proposal(s) at the Riverdale City Offices during the regular office hours, 8:00 a.m. to 5:00 p.m. Monday through Friday. The public or any interested parties may present written or oral testimony to the Riverdale City Planning Commission concerning the proposed action at the aforementioned time and place.

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**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 26<sup>th</sup> day of September, 2022 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>.

This notice is scheduled to be published in the Standard Examiner on Saturday, October 1, 2022.

Michelle Marigoni  
Riverdale City Recorder



# INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Standard-Examiner** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(801) 625-4302**.

Notice ID: lfxHZqevloATK9egiUVD | **Proof Updated: Sep. 26, 2022 at 12:52pm MDT**  
Notice Name: Public Hearing 10/11/22 4450 S Rezone

**This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.**

<b>FILER</b>	<b>FILING FOR</b>
Michelle Marigoni mmarigoni@riverdalecity.com (801) 394-5541	Standard-Examiner

<b>Columns Wide: 1</b>	<b>Ad Class: Legals</b>
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10/01/2022: Custom	115.13
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Subtotal	\$115.13
Tax %	0.00
Processing Fee	\$11.51
<b>Total</b>	<b>\$126.64</b>

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**RIVERDALE CITY  
CITY COUNCIL AGENDA  
November 1, 2022**

**AGENDA ITEM: G6**

**SUBJECT:** Discussion and consideration of Ordinance #960 creating city code concerning solicitation rules.

**PRESENTER:** Steve Brooks, City Administrator

**INFORMATION:** a. [Ordinance #960 with attached code](#)

**[BACK TO AGENDA](#)**



## ORDINANCE NO. 960

### AN ORDINANCE AMENDING THE RIVERDALE MUNICIPAL ORDINANCE CODE, TITLE 3, TO AMEND AND INSERT CHAPTER 12, RESIDENTIAL SOLICITATIONS, TO BETTER CLARIFY, EXPLAIN AND CODIFY ACTS OR PROHIBITIONS CONCERNING SOLICITATIONS THAT MAY OCCUR 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 address issues concerning residential solicitations to better serve the residents, visitors and community; and

**WHEREAS**, residents have rights and interests in their property and money and should be protected from unwanted or dishonest solicitations and the Council wishes to balance those rights with those individuals or companies who conduct solicitation type business within the City in a door to door, car to car or individual to individual like manner; and

**WHEREAS**, in an effort to address the sometimes conflicting interests between the interest parties, the City finds that it is important to allow proper solicitation type businesses that may provide a service to the residents and visitors of the city while at the same time provide as best as possible, a means to protect and ensure that the businesses are legitimate and will not commit fraud or theft on the same; and

**WHEREAS**, it appearing that the code addition is in accord with the City's goals, desires and needs and will promote health, safety, and the general welfare of the community at large and the City Council of the City of Riverdale 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.** The Riverdale Municipal Ordinance, TITLE 3, BUSINESS AND LICENSING REGULATIONS, CHAPTER 12, RESIDENTIAL SOLICITATIONS is hereby amended and incorporated as outlined in Attachment 1, attached hereto, and incorporated hereby.

**Section 2.** All other titles, chapters and sections not otherwise amended hereby shall remain unchanged, in full force and effect.

**Section 3. Repeal.** Any provision of the Riverdale Municipal Ordinance Code found to be in conflict with this ordinance is hereby repealed.

**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 or as allowed by law.

**PASSED, ADOPTED AND ORDERED POSTED** this \_\_\_\_\_ day of November, 2022.

\_\_\_\_\_  
Braden Mitchell, Mayor

Attest:

\_\_\_\_\_  
Michelle Marigoni, City Recorder

**Chapter 12: RESIDENTIAL SOLICITATION**

3-12-1: PURPOSE

3-12-2: NO OTHER LICENSE OR APPROVAL REQUIRED

3-12-3: DEFINITIONS

3-12-4: EXEMPTIONS FROM CHAPTER

3-12-5: SOLICITATION PROHIBITED

3-12-6: REGISTRATION OF SOLICITORS

3-12-7: APPLICATION FORM

3-12-8: WRITTEN DISCLOSURES

3-12-9: WHEN REGISTRATION BEGINS

3-12-10: ISSUANCE OF CERTIFICATES

3-12-11: FORM OF CERTIFICATE AND IDENTIFICATION BADGE

3-12-12: MAINTENANCE OF REGISTRY

3-12-13: NON-TRANSFERABILITY OF CERTIFICATES

3-12-14: DENIAL, SUSPENSION OR REVOCATION OF A CERTIFICATE OF REGISTRATION

3-12-15: APPEALS

3-12-16: DECEPTIVE SOLICITING PRACTICES ARE PROHIBITED

3-12-17: "NO SOLICITATION" NOTICE

3-12-18: DUTIES OF SOLICITORS

3-12-19: TIME OF DAY RESTRICTIONS

3-12-20: BUYERS RIGHT TO CANCEL

3-12-21: PENALTIES

**3-12-1: PURPOSE**

1. Residents of Riverdale City have inalienable interests in their personal safety, well-being, and privacy in their residences, as well as the right to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce.
2. The City has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its residents, which includes the ability to protect citizens from unwanted intrusions upon residential property. The City also has a substantial interest in protecting residents from fraud or otherwise unfair, unsupported, or questionable consumer sales or solicitation practices and criminal activity. The City recognizes that the substantial interests listed above must be balanced against the rights of those who are regulated by this Chapter. Based on the collective experiences of City officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to citizen inquiries regarding door-to-door solicitation, the experience of law enforcement officers and those affected by door-to-door canvassing and solicitation, as well as judicial decisions describing the boundaries of Constitutional protections afforded and denied to persons seeking to engage in door-to-door solicitation, the City adopts this Chapter to promote the City's substantial interests in:
  - a. Respecting citizens' decisions regarding privacy in their residences; and
  - b. Protecting persons from criminal conduct; and
  - c. Providing equal opportunity to advocate for or against religious belief, political position, or charitable activities; and
  - d. Permitting truthful and non-misleading door-to-door solicitation regarding goods or services lawfully in the stream of commerce.

3. The City finds that the procedures, rules, and regulations set forth in this Chapter are narrowly tailored to preserve and protect the City interests while balancing the rights of those regulated.

### **3-12-2: NO OTHER LICENSE OR APPROVAL REQUIRED**

1. Registered solicitors and persons exempt from registration need not apply for, nor obtain, any other license, permit, or registration from the City to engage in door-to-door solicitation.
2. Any business that is licensed by the City under another ordinance and that uses employees, independent contractors, or agents for door-to-door solicitation to provide any tangible or intangible benefit to the business, shall be required to have such solicitors obtain a certificate, unless otherwise exempt from registration.
3. Those responsible persons or entities associated with registered solicitors need not apply for, nor obtain, any other license, permit, or registration from the City, provided they do not establish a temporary or fixed place of business in the City.
4. Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government law regarding any license, permit, or certificate that a registered solicitor is otherwise required to have or maintain.

### **3-12-3: DEFINITIONS**

For the purposes of this Chapter, the following definitions shall apply:

**"Advocating"** means speech or conduct intended to inform, promote, or support religious belief, political position, or charitable activities.

**"Appeals Officer"** means the City Administrator or City Administrator's designated hearing officer responsible for receiving the information from the City and appellant regarding denial or suspension of a certificate and issuing a decision as required by this Chapter.

**"Appellant"** means the person or entity appealing a denial or suspension of a certificate, either personally as an applicant or registered solicitor, or on behalf of an applicant or registered solicitor.

**"Applicant"** means an individual who is at least sixteen (16) years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a certificate permitting door-to-door solicitation.

**"Application Form"** means a standardized form provided by the City to an applicant to be completed and submitted as part of registration.

**"BCI"** means an original or copy, dated no older than ninety (90) days prior to the date of the application, of either:

1. a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to an applicant or equivalent report prepared by the corresponding public safety agency of the applicant's home state if the applicant is not a Utah resident; or
2. verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

**"Business"** means a commercial enterprise licensed by the City as a person or entity under this Title, having a fixed or temporary physical location within the City.

**"Certificate"** means a temporary, annual, or renewal certificate permitting door-to-door solicitation in the City applied for or issued pursuant to the terms of this Chapter.

**"Charitable Activities"** means advocating by persons or entities that either are, or support, a charitable organization.

**"Charitable Organization"** includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity that is:

1. a benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious, or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization.
2. for the benefit of a public safety, law enforcement, or firefighter fraternal association; or
3. established for any charitable purpose; and
4. that is tax exempt under applicable provisions of the Internal Revenue Code of 1986, as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.
5. a charitable organization includes a chapter, branch, area, or office, or similar affiliate or any person soliciting contributions within the state for a charitable organization that has its principal place of business outside the City or State of Utah as set forth in the Utah Charitable Solicitation Act, as amended from time to time.

**"Competent Individual"** means a person claiming or appearing to be at least eighteen (18) years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation, and conduct.

**"Completed Application"** means a fully completed application form, a BCI background check, one (1) copies of the original identification relied on by the applicant to establish proof of identity, and the tendering of fees.

**"Criminally Convicted"** means the final entry of a conviction, whether by a plea of no contest, guilty, or entry of a judicial or jury finding of guilt, which has not been set aside on appeal or pursuant to a writ of habeas corpus. The criminal conviction is that offense of which the applicant or registered solicitor was convicted, without regard to the reduced status of the charge after completion of conditions of probation or parole, and charges dismissed under a plea in abeyance or diversion agreement.

**"Disqualifying Status"** means anything specifically defined in this Chapter as requiring the denial or suspension of a certificate, and any of the following:

1. The applicant, worker or registered solicitor has been criminally convicted of:
  - a. felony homicide,
  - b. physically abusing, sexually abusing, or exploiting of any person,
  - c. the sale or distribution of controlled substances, or
  - d. sexual assault of any kind.
2. Criminal charges are currently pending against the applicant or registered solicitor for:
  - a. felony homicide,
  - b. physically abusing, sexually abusing, or exploiting a minor,
  - c. the sale or distribution of controlled substances, or
  - d. sexual assault of any
3. the applicant or registered solicitor has been criminally convicted of a felony within the last ten (10) years;
4. the applicant or registered solicitor has been incarcerated in a federal or state prison within the past five (5) years; or
5. the applicant or registered solicitor has been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:
  - a. moral turpitude, or
  - b. violent or aggravated conduct involving persons or property, or
  - c. theft or theft-like offenses;

6. a final civil judgment been entered against the applicant or registered solicitor within the last five (5) years indicating that:
  - a. the applicant or registered solicitor had either engaged in fraud, or intentional misrepresentation, or
  - b. a debt of the applicant or registered solicitor was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a) (19);
7. the applicant or registered solicitor is currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
8. the applicant or registered solicitor has an outstanding arrest warrant from any jurisdiction; or
  - a. the applicant or registered solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

**"Door-to-Door Solicitation"** means the practice of engaging in or attempting to engage in conversation with any legal adult or other competent individual at a residence, whether that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale or attempting to further the sale of goods and or services.

**"Entity"** includes a corporation, partnership, limited liability company, or other lawful entity, organization, society, or association.

**"Fees"** means the cost charged to an applicant or registered solicitor for the issuance of a certificate and/or identification badge, which shall not exceed the reasonable costs of processing the application and issuing the certificate and/or identification badge.

**"Final Civil Judgment"** means a civil judgment that would be recognized under state law as a judgment to which collateral estoppel would apply.

**"Goods"** means one (1) or more tangible items, wares, objects of merchandise, perishable s of any kind, subscriptions, or manufactured products offered, provided, or sold.

**"Home Solicitation Sale"** means to make or attempt to make a sale of goods or services by a solicitor at a residence by means of door-to-door solicitation, regardless of the:

1. means of payment or consideration used for the purchase;
2. time of delivery of the goods or services; or
3. previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.

**"License Officer"** means the City employee(s) or agent(s) responsible for receiving from an applicant or registered solicitor a completed application and either granting, denying, suspending, or revoking the applicant's certificate.

**"No Solicitation Sign"** means a visible and legible sign that states "No Soliciting," " No Solicitors," " No Salespersons," "No Trespassing," or words of similar import.

**"Political Position"** means any held belief, or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.

**"Registered Solicitor"** means any person who has been issued a current certificate by the City.

**"Registration"** means the process used by the City Licensing Officer to accept a completed application and determine whether a certificate will be denied, granted, or suspended.

**"Religious Belief"** means any sincerely held belief, or information for, against, or in conjunction with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious doctrine, dogma, or practice regardless of whether the belief or information is endorsed by any other person or public or private entity.

**"Residence"** means any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the City, together with the lot, or other real property on which the living unit is located. This does not include a sidewalk, public street, or public right-of-way.

**"Responsible Person or Entity"** means the person or entity responsible to provide the following to an applicant, registered solicitor, and a competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale:

1. maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any sale of goods or services, paying the sales taxes, and filing any required returns or reports;
2. facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and
3. refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.

**"Sale of Goods or Services"** means the conduct and agreement of a solicitor and a competent individual in a residence regarding a particular good(s) or service(s) that entitles the consumer to rescind the same within three (3) days under any applicable federal, state, or local law.

**"Services"** means those intangible goods or personal benefits offered, provided, or sold to a competent individual of a residence.

**"Soliciting" or "Solicit" or "Solicitation"** means any of the following activities:

1. seeking to obtain sales or orders for the exchange of goods, wares, merchandise, or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;
2. seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;
3. seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;
4. seeking to obtain orders or prospective customers for goods or services;
5. seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position, charitable conduct, or a home solicitation sale; or
6. other activities falling within the commonly accepted definition of soliciting, such as hawking or peddling.

**"Solicitor" or "Solicitors"** means a person(s) engaged in door-to-door solicitation.

**"Submitted in Writing"** means the information for an appeal of a denial or suspension of a certificate, submitted in any type of written statement to the City Licensing Officer by certified, registered, priority, overnight, or delivery confirmation mail, facsimile, or hand delivery.

**"Substantiated Report"** means an oral, written, or electronic report:

1. submitted to and documented by the City;
2. by any of the following:
  - a. a competent individual who is willing to provide law enforcement or other City employees with publicly available identification of their name, address, and any other reliable means of contact;
  - b. City law enforcement or Licensing Officer; or
  - c. any other regularly established law enforcement agency at any level of government;
3. that provides any of the following information regarding a registered solicitor:

- a. documented verification of a previously undisclosed disqualifying status of a registered solicitor;
- b. probable cause that the registered solicitor has committed an act that would give rise to disqualifying status which has not yet been determined to be a disqualifying status;
- c. documented, eye-witness accounts that the registered solicitor has engaged in repeated patterns of behavior that demonstrates failure by the registered solicitor to adhere to the requirements of this Chapter; or
- d. probable cause that continued licensing of the registered solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the City.

**"Waiver"** means a written form provided to an applicant by the City wherein the applicant agrees the City may obtain a name/date of birth BCI background check on the applicant for licensing purposes under this Chapter, and which contains applicant's notarized signature.

#### **3-12-4: EXEMPTIONS FROM CHAPTER**

1. The following are exempt from registration under this Chapter:
  - a. a person specifically invited to a residence by a competent individual prior to the time of the person's arrival at the residence;
  - b. a person whose license, permit, certificate, or registration with the State of Utah permits the person to engage in door-to-door solicitation to offer goods or services to an occupant of the residence;
  - c. a person delivering goods to a residence pursuant to a previously made order, or a person providing services at a residence pursuant to a previously made request by a competent individual;
  - d. a person advocating or disseminating information for, against, or in conjunction with, any religious belief, or political position regardless of whether goods, services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase; and
  - e. a person representing a charitable organization. The charitable exemption shall apply to any student soliciting contributions to finance extracurricular social, athletic, artistic, scientific, or cultural programs, provided that the solicitation has been approved in writing by the student's school administration, and that such student solicitors carry current picture student identification from the educational institution for which the student is soliciting.
2. Persons exempt from registration are not exempt from the duties and prohibitions set forth in Sections 3-12-17, 3-12-18 and 3-12-19 of this Chapter while advocating or soliciting.

#### **3-12-5: SOLICITATION PROHIBITED**

Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this Chapter, the practice of being in and upon a residence within the City by solicitors, for the purpose of home solicitation sales or to provide goods or services, is prohibited and is punishable as set forth in this Chapter.

#### **3-12-6: REGISTRATION OF SOLICITORS**

Unless otherwise exempt under this Chapter, any person desiring to engage in door-to-door solicitation within the City, prior to doing so, shall submit a completed application to the Licensing Officer and obtain a certificate.

### **3-12-7: APPLICATION FORM**

1. The License Officer shall provide a standard application form for solicitor registration. Upon request to the License Officer, any person or entity may obtain in person, by mail, or facsimile, a copy of this application form.
2. Each application form shall require disclosure and reporting by the applicant of the information, documentation, and fee required under this Section.
3. The applicant shall affirm that the applicant has received and reviewed the disclosure information required by this Chapter.
4. The applicant shall provide the following contact information:
  - a. applicant's true, correct, and legal name, including any former names or aliases used during the last ten (10) years;
  - b. applicant's telephone number, home address, and mailing address, if different;
  - c. if different from the applicant, the name, address, and telephone number of the responsible person or entity; and
  - d. the address by which all notices to the applicant required under this Chapter are to be sent.
5. An in-person verification shall be conducted by the License Officer of the applicant's true identity by use of any of the following which bear a photograph of the applicant:
  - a. a valid driver's license issued by any State;
  - b. a valid passport issued by the United States;
  - c. a valid identification card issued by any State; or
  - d. a valid identification issued by a branch of the United States military.

Upon verification of identity, the original identification submitted to establish proof of identity shall be returned to the applicant.

6. The applicant shall provide proof that either the applicant, or the responsible person or entity, has registered with the Utah State Department of Commerce.
7. The applicant shall provide a special events sales tax number for either the applicant, or for the responsible person or entity, for which the applicant will be soliciting.
8. The applicant shall provide the following marketing information:
  - a. on any product, promotion or service, copies of all marketing information that will be shown, displayed or otherwise presented to a resident or visitor; and
  - b. the goods or services offered by the applicant, including any commonly known, registered or trademarked names; and
  - c. whether the applicant holds any other licenses, permits, registrations, or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered goods or services.
9. The applicant shall provide a BCI background check which includes:
  - a. an original or a copy of a BCI background check as defined in Section 3-12-3 of this Chapter; and

- b. a signed copy of a waiver whereby applicant agrees to allow the City to obtain a name/date of birth BCI background check on applicant for purposes of enforcement of this Chapter pursuant to section 53-10-108(1)(b), Utah Code Annotated, as amended from time to time.
10. The applicant shall affirm or deny each of the following statements on the application form:
  - a. whether the applicant has been criminally convicted of:
    1. felony homicide;
    2. physically abusing, sexually abusing, or exploiting a minor;
    3. the sale or distribution of controlled substances; or
    4. sexual assault of any kind;
  - b. whether any criminal charges are currently pending against the applicant for:
    1. felony homicide;
    2. physically abusing, sexually abusing, or exploiting a minor;
    3. the sale or distribution of controlled substances; or
    4. sexual assault of any kind.
  - c. whether the applicant has been criminally convicted of a felony within the last ten (10) years;
  - d. whether the applicant has been incarcerated in a federal or state prison within the past five (5) years;
  - e. whether the applicant has been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:
    1. moral turpitude; or
    2. violent or aggravated conduct involving persons or property.
  - f. whether a final civil judgment has been entered against the applicant within the last five (5) years indicating that:
    1. the applicant had either engaged in fraud, or intentional misrepresentation, or
    2. a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 1523(a)(2), (a)(4), (a)(6), or (a)(19).
  - g. whether the applicant is currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
  - h. whether the applicant has an outstanding arrest warrant from any jurisdiction; or
  - i. whether the applicant is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction
11. The applicant shall pay all applicable fees as set forth in the City's fee schedule as adopted by the City Council. Such fees shall not exceed the reasonable cost of processing the application and issuing a certificate and/or identification badge.
12. The applicant shall execute the application form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the applicant, the information provided is complete, truthful, and accurate.

### **3-12-8: WRITTEN DISCLOSURES**

The application form shall be accompanied by written disclosures notifying the applicant of the following:

1. the applicant's submission of the application authorizes the City to verify information submitted with the completed application including:
2. the applicant's address;

3. the applicant's and/or responsible person or entity's state tax identification and special use tax numbers, if any; and
4. the validity of the applicant's proof of identity;
5. the City may consult any publicly available source for information on the applicant or application, including but not limited, to databases for any outstanding warrant, protective order, or civil judgment;
6. establishing proof of identity is required before registration is allowed;
7. identification of the fee amount that must be submitted by applicant with a completed application;
8. the applicant must submit a BCI background check (or equivalent background check from the applicant's home state if the applicant is not a Utah resident) with a completed application;
9. to the extent permitted by State and/or federal law, the applicant's BCI background check will remain a confidential, protected, private record not available for public inspection;
10. the City will maintain copies of the applicant's application form, proof of identity, and identification badge, which copies will become public records available for inspection on demand at the City offices whether a certificate is denied, granted, or renewed;
11. the criteria for disqualifying status, denial, suspension, or revocation of a certificate under the provisions of this Chapter; and
12. that a request for a temporary certificate will be granted or denied within three (3) business days after a completed application is submitted.

### **3-12-9: WHEN REGISTRATION BEGINS**

The License Officer shall not begin the registration process unless the applicant has submitted a complete application. The original identification submitted to establish proof of identity shall be returned after the License Officer verifies the applicant's identity. The License Officer may retain a copy of the identification. If an original BCI background check is submitted by the applicant, the License Officer shall make a copy of the BCI and return the original to the applicant.

### **3-12-10: ISSUANCE OF CERTIFICATES**

The License Officer shall review an applicant's complete application and issue a certificate in accordance with the following provisions:

1. A temporary certificate shall issue allowing an applicant to immediately begin door-to-door solicitation upon the following conditions:
  - a. the applicant submits:
    1. a complete application; and
    2. the required fee;
  - b. the applicant establishes proof of identity;
  - c. the applicant's representations on the application form do not affirmatively show a disqualifying status;
  - d. the BCI background check does not affirmatively show a disqualifying status; and

- e. the applicant has not previously been denied a certificate by the City, or had a certificate revoked for grounds that still constitute a disqualifying status under this Chapter.
3. A temporary certificate shall expire after twenty-five (25) calendar days from issuance, or upon grant or denial of an annual certificate, whichever period is shorter.
4. Within twenty-five (25) calendar days of the issuance of a temporary certificate the City shall:
  - a. take any action the City deems appropriate to verify the truthfulness and completeness of information submitted by an applicant, including, but not limited to those disclosed with the application form;
  - b. issue written notice to the applicant and the responsible person or entity, if any, that the applicant either:
    1. will be issued an annual certificate, eligible for renewal one (1) year from the date of issuance of the temporary certificate; or
    2. will not be issued an annual certificate for reasons set forth in Section 3-12-14 of this Chapter.
5. An annual certificate shall be valid for one (1) year from the date of issuance of the temporary certificate and shall expire at midnight on the anniversary date of issuance. Any annual certificate that is not suspended, revoked, or expired may be renewed upon request of the registered solicitor and submission of a new complete application and payment of the fee, unless of the conditions for the denial, suspension, or revocation of a certificate are present, as set forth in Section 3-12-14 of this Chapter, or a disqualifying status is present.

### **3-12-11: FORM OF CERTIFICATE AND IDENTIFICATION BADGE**

1. Should the License Officer determine that an applicant is entitled to a certificate, the Officer shall issue a certificate to the applicant. The certificate shall list the name of the registered solicitor and the responsible person or entity, if any, and the date on which the certificate expires. The certificate shall be dated and signed by the License Officer. The certificate shall be carried by the registered solicitor at all times while soliciting in the City.
2. Upon issuance of a temporary or annual certificate, the City shall also issue each registered solicitor an identification badge that shall be worn prominently on the solicitor's person while soliciting in the City. The identification badge shall bear the name of the City and shall contain:
  - a. the name of the registered solicitor;
  - b. address and phone number of the registered solicitor, or the name, address, and phone number of the responsible person or entity is provided;
  - c. a recent photograph of the registered solicitor; and
  - d. the date on which the certificate expires.

### **3-12-12: MAINTENANCE OF REGISTRY**

The License Officer shall maintain and make available for public inspection a copy or record of every complete application received, and the certificate or written denial issued by the City. Each applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection unless otherwise required by state or federal Law. The License Officer may furnish to the head of the City's Law enforcement agency a list of all applicants, those denied, and those issued a certificate.

### **3-12-13: NON-TRANSFERABILITY OF CERTIFICATES**

A certificate shall be issued only in the name of the applicant and shall list the responsible party or entity, if any, and shall be nontransferable. A registered solicitor desiring to facilitate or attempting to facilitate home solicitation sales with different:

1. goods or services; or
2. responsible person or entity, from those designated in the originally submitted completed application,

shall submit a written change request to the License Officer. A new certificate based on the amended information shall issue for the balance of time remaining on the solicitor's previous certificate before the amendment was filed. Before a new certificate is given to a registered solicitor, the solicitor shall obtain a revised identification badge from the City, after payment of the fee for the identification badge.

### **3-12-14: DENIAL, SUSPENSION OR REVOCATION OF A CERTIFICATE OF REGISTRATION**

1. Upon review, the License Officer shall refuse to issue a certificate to an applicant for any of the following reasons:
  - a. for a temporary certificate:
    1. the application form is not complete;
    2. the applicant fails to:
      - a. establish proof of identity;
      - b. provide a BCI background check; or
      - c. pay fees;
    3. the complete application or BCI background check indicate the applicant has a disqualifying status; or
    4. the applicant has previously been denied a certificate by the City or has had a certificate revoked for grounds that still constitute a disqualifying status under this Chapter.
    5. Fraud, deceit or dishonesty in the application process.
  - b. for an annual certificate or renewal of an annual certificate:
    1. the information submitted by the applicant at the time of the granting of the temporary certificate is found to be incomplete or incorrect;
    2. since the submission of a complete application, the applicant is subject to a previously undisclosed or unknown disqualifying status;
    3. failure to pay fees;
    4. since submission of the application, the City has received a substantiated report regarding past or present conduct of the applicant;
    5. since submission of the application, the City or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this Chapter or a similar federal, state, or municipal law in a manner rising to the level of a disqualifying status; or
    6. since submission of the application, a final civil judgment has been entered against the applicant indicating that:
      - a. the applicant engaged in fraud or intentional misrepresentation; or
      - b. a debt of the applicant was non-dischargeable in bankruptcy pursuant to U.S.C. 523(a)(2), (a)(4), (a)(6) or (a)(19)
    7. Fraud, dishonesty or deceit in the application process.

2. The City shall either suspend or revoke a certificate when any of the reasons warranting denial of a certificate occurs.

3. If the License Officer denies an applicant's complete application or suspends or revokes a registered solicitor's certificate, the Officer shall send written notice to the applicant or registered solicitor. The notice shall specify the grounds for denial, suspension or revocation and the date upon which the denial, suspension or revocation of the certificate shall take effect. The written notice shall further state that the applicant or registered solicitor shall have ten (10) business days from receipt of the notice of denial or suspension to appeal. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal suspension of a certificate shall result in its revocation.

### **3-12-15: APPEALS**

1. An applicant or registered solicitor whose certificate has been denied, suspended, or revoked shall have the right to appeal to the City Administrator by following the procedures and requirements as provided in Section 3-1A-4 of this title. Any appeal shall be submitted by either the applicant, the responsible person or entity, or legal counsel for either who:
  - a. documents the relationship with the applicant or responsible person or entity; or
  - b. is licensed or authorized by the State of Utah to do so and makes the assertion of an agency relationship.

### **3-12-16: DECEPTIVE SOLICITING PRACTICES ARE PROHIBITED**

1. No solicitor shall intentionally make any materially false or fraudulent statement while soliciting or in the application process.
2. A solicitor shall immediately disclose to the consumer during face-to-face solicitation;
  - a. The name of the solicitor;
  - b. The name and address of the entity with whom the solicitor is associated; and
  - c. The purpose of the solicitor's contact with the person and/or competent individual. This requirement may be satisfied through the use of the badge and an informational flyer.
3. No solicitor shall use a fictitious name, an alias, or any name other than the solicitor's true and correct name.
4. No solicitor shall represent directly or by implication that the granting of a certificate of registration implies any endorsement by the City of the solicitor's goods or services or of the individual solicitor.
5. No solicitor may use or imply any form of communication, at any time during this process, which may be fraudulent or otherwise unfair, unsupported, or questionable consumer sales or solicitation practices and criminal activity

### **3-12-17: "NO SOLICITATION" NOTICE**

1. Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" sign which shall be posted on or near the main entrance door or on or near the property line adjacent to a sidewalk leading to the residence.
2. The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.
3. It shall be the responsibility of the solicitor to check each residence for the presence of any such notice.

4. The provisions of this Section 3-12-17 shall apply also to solicitors who are exempt from registration pursuant to the provisions of this Chapter.

### **3-12-18: DUTIES OF SOLICITORS**

1. Every person soliciting or advocating shall check each residence for any "No Soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises, such as, but not limited to, "No Solicitation" signs. If any such sign or placard is posted, the solicitor shall desist from any efforts to solicit at the residence and shall immediately depart from such property. Possession of a certificate of registration does not relieve a solicitor of this duty.
2. A person soliciting or advocating shall not knock on a door, ring a doorbell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "No Solicitation" sign or similar sign or placard for the purpose of engaging in or attempting to engage in advocating a home solicitation sale, door-to-door soliciting, or soliciting.
3. A solicitor shall not, through ruse, deception, or fraudulent concealment of a purpose to solicit, take any action calculated to secure an audience with an occupant at a residence.
4. A solicitor, who is at any time asked by an occupant of a residence to leave, shall immediately and peacefully depart.
5. A solicitor shall not intentionally or recklessly make any physical contact with or touch another person without the person's consent.
6. A solicitor shall not follow a person into a residence without the person's explicit consent and invitation.
7. A solicitor shall not continue repeated soliciting after a person or competent individual has communicated clearly and unequivocally the person's lack of interest in the subject, goods, or services of the solicitor.
8. A solicitor shall not use obscene language or gestures.

### **3-12-19: TIME OF DAY RESTRICTIONS**

It shall be unlawful for any person, whether licensed or not, to solicit at a residence before 9:00 a.m. or after 9:00 p.m. local time, unless the solicitor has express written prior permission from the resident to do otherwise.

### **3-12-20: BUYERS RIGHT TO CANCEL**

In any home solicitation sale, unless the buyer requests the solicitor to provide goods or services without delay in an emergency, the seller or solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "Buyer's right to cancel" shall be in the form required by Section 70C-5-103, Utah Code Annotated, or a current version thereof, or any state or federal law modifying or amending such provision.

### **3-12-21: PENALTIES**

Any person who violates any term or provision of this Chapter shall lose any right granted under this chapter and shall be guilty of a class B misdemeanor.

**RIVERDALE CITY  
CITY COUNCIL AGENDA  
November 1, 2022**

**AGENDA ITEM: G7**

**SUBJECT:** Consideration of Resolution #2022-35 updating Council Rules and Procedures.

**PRESENTER:** Mike Eggett, Community Development

**INFORMATION:**

- a. [Resolution #2022-35](#)
- b. [Council Rules and Procedures with edits](#)

**[BACK TO AGENDA](#)**



**RESOLUTION NO. 2022-35**

**A RESOLUTION AMENDING THE RIVERDALE CITY COUNCIL RULES AND PROCEDURES BY ADDING NUMEROUS UPDATES TO BETTER REFLECT THE CURRENT OR PROPOSED PROCESSES USED BY THE CITY COUNCIL.**

**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 § 10-3-606 empowers municipalities to establish their own rules of conduct for the governing body within of the municipality; and

**WHEREAS**, the Mayor and City Council of Riverdale City have previously adopted a set of Council Rules and Procedures that from time to time require review, amendments, additions or clarifications; and

**WHEREAS**, the City Council has determined that it is in the best interest of the health, safety, public interest and well being of the residents and businesses within the City to clarify Council Rules and Procedures concerning the actions and processes of the City Council as more particularly set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Riverdale City, Utah that the city hereby adopts the resolution to amend the Council Rules and Procedures as outlined in Attachment 1, attached hereto, and incorporated hereby.

**BE IT FURTHER RESOLVED** that all other portions of said rules shall remain in full force and effect unless specifically modified hereby.

The administrative staff of the City is authorized to take all necessary steps to carry out the intent and purpose provided by this Resolution.

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

Passed by the Riverdale City Council the \_\_\_\_ day of November, 2022.

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Braden Mitchell, Mayor

Attest:

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Michelle Marigoni  
Riverdale City Recorder



COUNCIL  
RULES AND  
PROCEDURES

As adopted November 3, 2010 by Ordinance #775

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# Section 1 - POWERS AND CONDUCT

## 1.1 Authority.

The City of Riverdale, Utah, provides for open meetings of the City Council at which reasonable opportunity shall be given for citizens to be heard under such rules as the council may provide and that the public is able to see the business of the city conducted in a public forum. These Rules **of and** Procedures establish guidelines to be followed by the Mayor, City Council members and all persons attending a City Council meeting, including members of the City Council, administrative staff, news media, and visitors.

The City Council of the City of Riverdale shall determine and provide its own rules of order of business, rules and procedures for meetings. These shall be in effect upon adoption by the City Council and until such time as amended, suspended or new rules are adopted in the manner provided.

These rules are adopted to expedite and facilitate the transaction of the business of the City Council in an orderly fashion and shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.

These Council Rules and Procedures may be amended by a majority vote of the entire Council at any regular meeting of the Council after having been read at one previous regular Council meeting. Any of the foregoing rules may be temporarily suspended for the meeting then in session by a majority vote of the members of Council then present, unless such waiver is in conflict with the City or State law.

These Council Rules and Procedures shall be reviewed within six months after newly elected officials are sworn in, every two years.

No rule or procedure within this document is valid that would remove or limit the powers and responsibilities given to the City Council that is given to them by state or federal law.

## 1.2 General Code of Conduct

A. Our current form of government is a six member Council with the Mayor presiding as the Chairman of the Council. The City Council body functions as a group/committee. Each member of the group has only one vote, with the Mayor voting only in the event of a tie vote **unless otherwise prohibited by statute**. No one member of the City Council or the Mayor can make decisions for the group nor should any member of the group, knowingly or otherwise, give the perception to an organization or individual citizen that they represent the full body of the council without the Council's vote and approval.

B. Council members must represent unconflicted loyalty to the interests of the citizens of Riverdale City. Council members should consider the interest of all of the citizens of Riverdale City and vote accordingly.

C. Council members should not attempt to exercise individual authority or influence over the City, ~~and~~ its enterprises **or city employees**.

D Council members will respect the confidentiality appropriate to issues of a sensitive or legal nature. Any Councilmember who discusses confidential matters publicly will be subject to censure by the majority of Council.

E. Council members and supporting staff will come on time and be properly prepared for Council Meetings. If a quorum of a City Council has not arrived at a Council meeting within 15 minutes after the scheduled starting time of the meeting, the Mayor may cancel the meeting.

F. Council members who miss meetings without being excused by the mayor in advance of the meeting shall have their monthly pay reduced accordingly.

G. Council members could be expelled by a 2/3 majority vote for acts for cause.

### 1.3 Adherence To Procedures

During City Council discussions, deliberations and proceedings, the Mayor has been delegated the primary responsibility to ensure that the City Council, staff and members of the public adhere to the Council's adopted procedures.

### 1.4. Procedure In Absence Of Rule

In the absence of a rule to govern a point of procedure or rule, the Mayor, as chair, or in his absence, the Mayor pro tempore shall temporarily rule on the issue until a meeting and discussion of the full Council can consider the issue. Only a full vote made by the eCouncil may override this decision.

## **Section 2 - MEETINGS**

2.1. Regular Meetings. The City Council will meet at 6:00 p.m. on the first and third Tuesday of each and every month, unless except for a special, emergency or posted meeting, or in the event of a meeting has been postponed or canceled for valid reasons and according to these rules. Regular meetings are preceded with a 30 minute planning session. In order to cancel a scheduled meeting, a poll of the Councilmembers will be held. If two Councilmembers oppose the cancellation of the meeting, the meeting will be held as scheduled.

2.2. Special Meetings. The City Recorder shall call special meetings upon written request of the Mayor, the City Administrator, or two members of the eCouncil.

2.3. Telephonic Appearance. Council Members may appear at a council meeting via telephone or other electronic means as is outlined in the Riverdale City Code. Telephonic appearances are for the benefit of the City of Riverdale and not for the benefit of an individual Council member. Any Council member participating electronically in a closed meeting must certify to the other Council members that the said meeting can be held privately and that Council member (upon return) shall submit an affidavit verifying the same. If the Council member cannot ensure the privacy of the meeting then that Council member may not participate electronically in the closed meeting.

2.4. Public Notice. The agenda for all regular meetings and the notice listing items to be considered shall be posted by the City Recorder on the State's Public Notice City's Official website in accordance with the Utah Open Meetings Act and on the City's official website .

2.5. Quorum. Three members constitute a quorum. A quorum of the City Council must be present to conduct a City Council meeting, except that a quorum is not required to hear proclamations and special recognitions.

2.6. Compelling Attendance. A lesser number than a quorum may adjourn from time to time and compel the attendance of absent members as allowed under Utah State Code.

2.7. City Administrator Participation. The City Administrator, or designee, shall attend all meetings of the City Council unless excused. The City Administrator may make recommendations to the City Council and shall have the right to take part in all discussions, but shall have no vote.

2.8. City Attorney Participation. The City Attorney, or designatee shall attend all meetings of the City Council unless excused and shall, upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the City Council's parliamentarian.

2.9. City Recorder Participation. The City Recorder or designatee shall attend all meetings of the City Council and shall keep accurate records of all actions taken by the City Council.

2.10. City Department Heads Participation. The City Department Heads or designated assistants shall be available during all City Council meetings to respond to inquiries made by the City Council unless excused.

2.11. Executive Sessions. The City Council may meet in executive session when it is scheduled by the Mayor, upon request by the Mayor, the City Attorney, City Administrator, or any member of the City Council and when it is in compliance with the Utah Open Meetings Act. No vote shall be taken in an executive session on any matter under consideration, nor shall any City Council member enter into a commitment with **another anyone**, respecting a vote to be taken subsequently in a public meeting of the City Council. Closed executive sessions shall be kept to a minimum. Council Members shall keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised, and to comply with state and local law or policy relating to disclosure of confidential information. **See 2.3 above concerning electronic participation.**

2.12. Planning Session Meetings. Planning session meetings may occur 30 minutes before a regularly scheduled meeting. All Planning meetings shall be noticed and open to the public. No official action shall be taken during the Planning session. During Planning session meetings, City Council members shall refrain from calling on members of the public to speak unless arrangements with the Mayor are made in advance of the meeting.

**A planning session meeting is a meeting to cover topics listed on the meeting agenda and provide an opportunity for the Council to ask questions or to ask for clarification from staff, the mayor or each other about an agenda item. The intent of the planning meeting is to use this time in a manner that will be most helpful to the council to better understand general meeting topics and eliminate or shorten the formal meeting time by addressing trivial matters in this meeting prior to the formal meeting.**

2.13. Cautions. Council members should be diligent in enforcing these rules and all state provisions and the spirit of open meetings at all times. Members should be cognizant of the fact that even casual conversations among themselves give public perception of closed door communications and members should take all necessary measures to ensure that they conduct the public business in public and on record. Personal communications amongst themselves should be avoided whenever possible and only when necessary to complete a needed public function.

## **Section 3 - CODE OF CONDUCT**

3.1. City Council Members.

(a) During City Council meetings, City Council members shall assist in preserving order and decorum and shall, neither by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the chair or the rules of the City Council.

(b) A City Council member desiring to speak shall address the chair and, upon recognition by the chair, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse, sidebar discussions, or political partisan rhetoric.

(c) A City Council member desiring to question the administrative staff shall address questions to the City Administrator who shall be entitled either to answer the inquiries or to designate some member of city staff for that purpose. City council members shall not berate nor admonish staff members. Nor is it appropriate for anyone to berate or admonish the mayor, council members or staff, in public meetings.

(d) A City Council member, once recognized, shall not be interrupted while speaking unless called to order by the chair, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions from another member if recognized by the chair. If a City Council member is called to order while speaking, that member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with rules of the City Council.

(e) City council members shall confine their questions to the particular matters before the council and in debate shall confine their remarks to the issues before the City Council.

(f) When there is more than one speaker on the same subject, City Council members will delay their comments until after all speakers on the subject have been heard.

### 3.2 Administrative Staff.

(a) Members of the administrative staff and employees of the City shall observe the same rules of procedures and decorum applicable to members of the City Council.

(b) Although the chair has the authority to preserve decorum in meetings, the City Administrator also is responsible for the orderly conduct and decorum of all city employees under the City Administrator's direction and control.

(c) The City Administrator shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by city employees in City Council meetings.

(d) All persons addressing the City Council, including the City Administrator, other staff members, or members of the public shall be recognized by the chair and shall limit their remarks to the matter under discussion.

(e) All remarks and questions addressed to the City Council shall be addressed to the City Council as a whole and not to any individual member.

(f) No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the chair.

### 3.3 Citizens and Other Visitors.

(a) Citizens and other visitors are welcome to attend all public meetings of the City Council and will be admitted to the City Council chamber or other room in which the City Council is meeting up to the fire safety capacity of the room.

(b) Everyone attending the meeting will refrain from private conversations while the City Council is in session.

(c) Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the police chief, or his designee, is so directed by the chair, and the person shall be

barred from further audience before the City Council during that session of the City Council. If the chair fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the chair to act.

(d) Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the chair, who may direct the police chief, or his designee, to remove offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the chair. In case the chair shall fail to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of the majority of the City Council shall require the chair to act.

(e) No placards, banners, or signs will be permitted in the City Council chamber or in any other room in which the City Council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Council, however, are permitted.

**3.4 Enforcement.** The city police chief, or his designee, as chief law enforcement officer, shall be present at all Council meetings, unless excused by the mayor, and act as sergeant-at-arms for the City Council and shall furnish whatever assistance is needed to enforce the rules of the City Council.

## **Section 4 - DUTIES AND PRIVILEGES OF MEMBERS**

**4.1. Right of Floor.** A City Council member who desires to speak must first be recognized by the chair. No member shall address the chair or demand the floor while a vote is being taken.

**4.2. Conflict of Interest.** Council members with a conflict of interest shall verbally declare the conflict immediately upon realizing the conflict and shall comply with the state law concerning conflicts of interest.

**4.3. Right of Appeal.** Any member may appeal to the City Council from a ruling of the chair. If the appeal is seconded, the member making the appeal may briefly explain the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The chair shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "**Aye Yes**," the ruling of the chair is sustained; otherwise, it is overruled.

### **4.4. Voting.**

(a) Every member present when a question is called shall vote either "**Aye Yes**" or "**Nay No**" except on matters involving a conflict of interest or the consideration of the member's own official conduct.

(b) After the result of a vote is announced, a member may not change a vote unless, before the adjournment of that meeting, permission is given to change the vote by a majority vote of the members present.

(c) Tie votes. In case of a tie vote on any proposal, the Mayor shall vote to break the tie **unless otherwise prohibited by statute**.

**4.5. Demand for Roll Call.** Upon demand of any member for roll call vote, made before the result is announced, the roll shall be called for **aye yes** and **nay no** votes upon any question before the City Council. It shall not be in order for members to explain their vote during the roll call.

**4.6. Personal Privilege.** The right of a member to address the City Council on a question of personal privilege shall be limited to cases in which the member's integrity, character,

or motives are assailed, questioned, or impugned.

4.7. Dissents and Protests. Any member shall have the right to express dissent from or protest against any ordinance, resolution, or other action of the City Council and have the reason for the dissent or protest entered in the minutes. Such dissent or protest may be filed in writing and presented to the City Recorder for placement in the minutes not later than the next regular agenda meeting following the date of the City Council's action on the matter.

4.8. Excusal from Attendance. City council members are expected to attend meetings and stay in attendance during each meeting. No member shall be excused from attendance at a City Council meeting except for good and valid reasons. The chair shall excuse members from a meeting when a good and valid reason is presented.

4.9. Absence Because of Official City Business. If a City Council member is absent from an entire regular City Council meeting because he or she is on official city business at the direction of the City Council, the member shall request that the City Recorder record in the minutes for that meeting that the member was absent because of official city business. The City Recorder shall maintain a record of these absences on official city business so that such absences will not count against the City Council member.

## **Section 5 - CHAIR AND DUTIES**

5.1. Chair. The Mayor, if present, shall preside as chair at all meetings of the City Council. In the absence of the Mayor, the Mayor pro tempore shall preside. In the absence of both the Mayor and Mayor pro tempore, the council shall elect a chair.

5.2. Call to Order. The meetings of the City Council shall be called to order by the Mayor or, in the Mayor's absence, by the Mayor pro tempore or, in the Mayor pro tempore's absence, by the appointed chair.

5.3. Preservation of Order. The chair shall preserve order and decorum, call upon the sergeant-at-arms or the parliamentarian as necessary to enforce compliance with the rules, and confine members in debate to the question under discussion.

5.4. Questions to be Stated. The chair shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken when requested by a member in accordance with Subsection 4.5.

5.5. Call for Recess. The chair may call for a recess at appropriate points in the meeting agenda.

## **Section 6 - ORDER OF BUSINESS**

### 6.1. Agenda & Packet.

(a) Preparation and Distribution. A written agenda for each regular meeting shall be prepared under the direction of the Mayor with assistance from the City Administrator. The order of business of each meeting shall be as contained in the agenda prepared as follows:

- (1) The agenda shall be a listing by topic of subjects to be considered by the City Council, and shall be delivered to members of the City Council in advance of each meeting as early as practicable but normally no later than close of business the Friday prior to the meeting.
- (2) The Mayor shall determine the contents of the agenda. The Mayor shall transmit these items to the City Administrator in time for distribution to the City Council at the same time operational items are distributed.

(3) In the event that any member of the governing body desires to add an item or items to any prepared agenda, then consent must be obtained from the Mayor and one City Council Member or two City Council Members. Upon receiving the request from the Mayor and one City Council Member or two City Council Members, the City Administrator shall add items to prepared agendas as requested. Once posted, amendments may be made to the agenda in the same manner, up to 24 hours prior to the meeting or as prescribed by state law.

(4) A packet of information supporting the agenda items that should be reviewed or considered by the Council, including but not limited to the documents identified in Section 7, agreements, minutes, etc. At the first meeting of the month, the pack shall include a current Treasurer's Report, and updated budget report. The packet will be provided in advance of each meeting as early as practicable, but normally no later than close of business the Friday prior to the meeting.

(b) Briefing – Planning session meetings.

(1) Prior to all regularly scheduled meetings, the City Council may hold a briefing/planning meeting. At a planning meeting, the chair shall present any and all orders of business for the regularly scheduled meeting. A council member may speak no more than two times on any briefing item, and each time will be limited to three minutes.

(2) Voting items will not be scheduled during planning meetings except for emergencies and in accordance with applicable rules established in these Rules and by state law.

6.2. Presentations by Members of Council.

(a) The Mayor shall prepare and designate all meeting agendas and shall include on an agenda any item requested by two City Council members to be brought before the City Council. Unless the request is withdrawn by either of the requesting members, the item must be placed on:

(1) The first regularly scheduled meeting agenda after receipt of the request by the Mayor and the City Administrator, so long as lawful legal notice can be provided.

(b) The Mayor shall not place on an agenda any item that has been voted on by the City Council within the previous six month time period preceding the date requested for placement of the item on the agenda unless otherwise allowed under these rules (Proper Motion to Reconsider (See 7.4 below) or a tabled item).

6.3. Citizen Speakers (Open Communications Public Comment). At City Council meetings, a person may address the City Council concerning any item or may present a subject for the City Council's consideration during the open communication public comment periods in accordance with the following rules:

(a) Speakers to Register or sign-in. A person wishing to address the City Council may should first register or sign-in with the City Recorder and provide the following information: Name, residence address, telephone number, the subject matter to be presented, and whether the subject is on the current City Council meeting agenda. A person may register either in person, by telephone or at the meeting.

(b) Speaker Rules. In order that the City Council may properly consider each matter brought to it by citizens, speakers are asked to observe the following rules:

(1) Only one person may approach the microphone at any one time unless approved by the chair, and only the person at the microphone will be allowed to speak. Speakers must identify themselves at the beginning of any comments.

(2) In an effort to reduce replication and to save time, pooling of speakers is encouraged wherein one person may speak for and on behalf of a group of individuals. Nothing in the foregoing precludes submission of comments to the City Council in writing, for such action or non-action as the Council, in its discretion, may deem appropriate.

(3) Speakers shall address their comments to the governing body.

- (4) Speakers may file copies of their remarks or supporting information with the City Recorder. The City Recorder will make the information available to the City Council and City Administrator if requested.
- (5) A person who addresses the City Council during a public hearing must limit remarks to the specific subject matter being considered by the City Council in that public hearing.
- (c) Time Limits on Items. The length of time a person will be allowed to speak on items at City Council meetings will be determined according to the following rules:
- (1) Speakers will have approximately three minutes to speak regardless of the number of items they wish to address unless the Mayor grants longer periods of time. The Mayor may also shorten the amount of time if there are high numbers of individuals wishing to speak. The Mayor may determine the order in which speakers are called. The order in which speakers are called is not required to be in the order that items appear on the agenda, nor are all speakers on a particular item required to be called at the same time.
- (d) During designated speaker times, City Council members may ask factual questions or make a brief acknowledgement of speakers, if recognized by the Chair. Speakers will have one minute to respond. More time may be granted to the speaker for a response at the discretion of the Chair. Council members will refrain from debate on any item during time allotted to speakers unless a specific time is granted by the Chair or by a nondebatable motion approved by the City Council.

6.4. Communications to City Council. The Mayor through the City Administrator shall provide the City Council with an analysis of major items to be acted upon by the City Council at its meetings. The analysis shall be delivered to the City Council members preceding the meeting at which the item is to be discussed. To avoid ex parte communications and ensure that all City Councilmembers are privileged to deliberate and act upon the same guidance, opinions regarding agenda items should be reserved for the City Council meeting itself and not requested of the City Administration outside the official open meeting. If two Councilmembers feel more information is needed, they may request it of administration.

6.5. Oral Presentations. Matters requiring the City Council's attention or action may be presented orally by the Mayor or City Administrator. If matters have developed since the deadline for delivery of the agenda, the Mayor, City Administrator, or any City Council member, may make an oral report to the City Council, but formal action, if required, shall be delayed until the next meeting, unless said matter is deemed an emergency and immediate action is required and state law is complied with.

6.6. Public Hearings.

- (a) The Mayor shall schedule public hearings on the City Council's agenda in accordance with state law.
- (b) The City Council may schedule public hearings at times other than its regular meetings when it determines that the matter to be heard is a significant issue that requires more time than is available at regular meetings. The Mayor may call an advertised public hearing at a specified time on any matter.
- (c) The Staff may schedule public hearings as authorized by a majority vote of the Council.

## **Section 7 - CONSIDERATION OF ORDINANCES, RESOLUTIONS, AND MOTIONS**

7.1. Printed Form. All ordinances and resolutions shall be presented to the City Council in electronic, or printed form.

7.2. Distribution of Ordinances. The City Administrator shall prepare copies of all proposed ordinances to be available for distribution to all members of the City Council at the meeting at which the ordinance is introduced, or at such earlier time as is appropriate, as outlined in Section 6.

7.3. Rules of Order. The most recent edition of Roberts Rules of Order Revised shall govern the proceedings of the City Council in all cases, unless they are in conflict with these rules.

7.4. Reconsideration.

(a) A motion to reconsider an action of the City Council may only be made by a member who voted with the prevailing side. It can be seconded by any member.

7.5. Motions to table.

(a) Whenever a motion is made and approved by the City Council to lay a question or item of business on the table (without a time certain), said question or item will remain on the recorders report for a period of 90 days. If the item is not removed from the table by the Council within the 90 days, said question or item will then be removed from the report and will no longer be considered for action by the Council unless done so by a completely new action.

Amd. 03-2011

## **Section 8 - VOTES REQUIRED**

Approval of every ordinance, resolution, or motion shall require on final passage the affirmative vote of a majority of the quorum present unless state statutes impose other voting requirements on various questions.

## **Section 9 - MISCELLANEOUS**

9.1. Complaint. Personal complaints, especially those of a derogatory nature against any official or employee of the City shall not be discussed at a Council meeting. Citizens wishing to make such complaints shall be instructed that the same should be first processed and handled through the Mayor's office. Then, if the citizen feels appropriate action has not been taken, it shall be proper for the complaint to be communicated in writing to the members of the Council. The City Attorney should be consulted regarding confidentiality, rights to privacy and other legal concerns.

9.2 Councilmember investigations. Whenever a verbal or written communication is received by other Council members, Appointees, or employees stating allegations of misconduct about a Council member, the Council shall schedule a Closed Executive Session to discuss the matter. If deemed merited by the Council, an independent third party investigation may be requested and work under direction of the City Attorney or may be handled by the Council. In order to summarily deal with untruthful complaints, the independent third party investigator shall commence an investigation. If the complaint is without merit, the independent third party investigator shall close and seal the file and report that the matter has been investigated without any finding of merit to Council. If the complaint merits further investigation, the third party investigator shall make a report and request authorization for further investigation. All investigative work shall be considered work product and may be otherwise privileged. Completed final investigation reports shall be made to the Council.

9.3 MID-TERM VACANCIES

A. In accordance with Utah Code Annotated section 20A-1-510, if any vacancy occurs in the office of mayor or city council, the legislative body shall appoint a registered voter in the city who meets the qualifications for office to fill the unexpired term of the vacated office.

1. Qualifications

- a. Must be at least 18 years of age, a United States citizen and a registered voter in Riverdale City;
- b. Must have resided within the boundaries of Riverdale City for at least twelve (12) consecutive months immediately preceding the date of appointment;
- c. Must not be a convicted felon; must not have been convicted of treason or of an election crime; must not have been declared mentally incompetent; and must not have had the right to hold public office restricted pursuant to Article IV, Section 6, of the Utah Constitution and U.C.A. 20A-2-101.5.

2. Procedure

- a. Public notice of the vacancy will be given at least two weeks before council meets to fill the vacancy. Notice will include the date, time, and place where the interview will be conducted, the person responsible for distributing and collection of applications, and the deadline for application submission.
- b. The City will accept applications for a period of no less than two weeks. Applications will include a number of pre-interview questions.
- c. Applicants meeting the position requirements will be notified of the date and time of the interview, to be held during a regular city council meeting.
- d. During the regularly scheduled open meeting, applicants will be interviewed by council members. This will consist of Council members rotating and taking turns in asking Applicants up to two of their own questions. All questions will be directed to and answered by all applicants.  
Applicants will be interviewed in a rotating order determined at or just prior to the meeting (Candidate A answers question 1 first, then Candidate B, then Candidate C, etc. until all candidates have answered question 1. Candidate B then answers question 2 first, then Candidate C, then Candidate D, etc., until all candidates have answered question 2. This same rotation will continue until all questions are answered.  
Responses will be limited to two minutes per question. Additional follow-up clarifying questions from Council members will be limited to a one-minute response time. Each participant will have two minutes for a closing statement. City staff shall keep time for answers.  
Council members will then consider the answers to the interview questions and the information provided on the Application(s) to make their voting decision.
- e. First vote: Each Council member shall choose their first choice as documented by a ballot sheet provided by city staff.

- f. Second vote: The individuals having the highest number of votes after a first vote is taken shall appear before the Council, who shall vote again as documented by a ballot sheet provided by city staff . If neither candidate receives a majority vote at that time, the vacancy shall be filled by lot in the presence of the municipal legislative body. (20A-1-510 (c)). (Ballot sheets on both the First and Second votes shall be kept by the City Recorder for 60 days after the vote and considered to be an open record and subject to disclosure).
- g. Lots: If the decision comes down to being filled by lot, the City Recorder shall provide an unused deck of cards consisting of only one suit (hearts, diamonds, spades, or clubs) The City Recorder shall present the cards to the two applicants, each of whom shall draw one a card. The applicant with the highest card shall be appointed (Ace (highest), King, Queen, Jack, 10, 9, 8, and so on).
- h. The applicant selected in the meeting shall be affirmed and sworn in at the same meeting, followed by a signed resolution appointing the applicant to fill the vacancy.  
(Res. 2021-28)

## **Section 10 - PENALTY**

Willful or intentional disruption of a Riverdale City Council meeting is declared to be a class B misdemeanor subject to penalty of up to six (6) months in jail and/or a fine of \$1,000, or both.