

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

Present:

City Council:

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

City Employees:

- Steve Brooks, City Administrator/Attorney
- Mike Eggett, Community Development
- Scott Brenkman, Police Chief
- Rich Taylor, Community Services
- Michelle Marigoni, City Recorder

Excused:

Visitors:

- Ted Didas
- Tim Snideman
- Kim Choate
- Richard Copps
- Jake Tate
- Natalie Nichols
- Shelby Wengreen
- Alex Nar

Welcome & Roll Call

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

Pledge of Allegiance – Anne Hansen, Councilmember

Invocation – Mayor Mitchell

Public Comment

Shelby Wengreen, who lives in Riverdale, said an RV approach was added to her property, and that the sidewalk needs to be replaced due to the thickness, but that they are newlyweds, and it is expensive. She asked for a variance or exception for this.

Presentations and Reports

1. Mayor's Report:

Mayor Mitchell said the last meeting was tough and there were some hard decisions made. He talked about the amount of serious crimes that have happened in the past two weeks and asked Councilors to take some comfort in the decision they made, as this proves the need for those decisions to have been made. There is a huge need for police officers.

2. Council Assignment Reports:

Councilmember Hansen said the Youth Council has received some applications and that they have a meeting scheduled. She invited councilmembers to attend and asked them to spread the word that there are openings. She spoke about attending the homecoming parade at Bonneville and said it was a great experience.

Consent Items

1. Consideration to approve meeting minutes from:
 - August 16, 2022 Council Special Meeting
 - August 16, 2022 Council Meeting and Truth in Taxation Hearing

Mayor Mitchell asked if there were any changes to the minutes from the August 16 meetings. There were no changes besides what was addressed in the work session.

Councilmember Arnold moved to approve the minutes. The motion was seconded by Councilmember Merrill. All voted in favor and the minutes were approved.

2. **Consideration to set a public hearing for a budget amendment.**

Councilmember Hansen asked if water or senior fees could be included.

Councilmember Hansen moved to set a public hearing for budget amendments for September 20. The motion was seconded by Councilmember Merrill and all were in favor.

Action Items

1. **a. Public Hearing to receive and consider comments regarding proposed updated roadway vacation petition for Cozy Dale Drive (1500 West), 4650 South, 4800 South, 1300 West, and 1350 West as located between approximately 4800 South and 4400 South, Riverdale, Utah as requested by America First Federal Credit Union and AWA Engineering.**

Motion: Councilmember Arnold moved to approve open the public hearing.

Second: Councilmember Merrill

All in favor, public hearing open.

There was no public comment.

Motion: Councilmember Arnold moved to close the public hearing.

Second: Councilmember Merrill

All in favor, public hearing closed.

b. Consideration of Ordinance #955 to approve a proposed roadway vacation petition for Cozy Dale Drive (1500 West), 4650 South, 4800 South, 1300 West, and 1350 West as located between approximately 4800 South and 4400 South, Riverdale, Utah as requested by America First Federal Credit Union and AWA Engineering.

Mr. Eggett went over the executive summary, which explained:

America First Federal Credit Union, as represented by Natalie Nichols with AWA Engineering and Tim Snideman with AFCU, have submitted the updated Cozy Dale Drive Vacation Plat documentation for the vacation of the existing Cozy Dale Drive (1500 West) right-of-way, 4800 South right-of-way, 4600 South right-of-way, 4650 South right-of-way, 1300 West right-of-way, and 1350 West right-of-way areas. The rights-of-way/roadways are all currently located within the AFCU campus area between 4400 South and 4800 South.

On May 10, 2022, there was a previous public hearing regarding the previous vacation plat request. Following the public hearing, the Planning Commission discussed the proposed original vacation plat. At the conclusion of the discussion in the matter, the Planning Commission recommended City Council approval of the proposed vacation plat.

On August 9, 2022, there was a follow-up further review with the Planning Commission regarding additional right-of-way areas that needed to be vacate, specifically the 4800 South right-of-way also needed to be vacated. At the conclusion of the discussion in the matter, the Planning Commission recommended City Council approval of the proposed vacation plat.

Discussion:

Mayor Mitchell invited Natalie Nichols from AWA, who was representing America First, to tell Council about the project. She explained some of the roads will not be necessary with the new plan. She requested that this be a conditional approval, as America First is working with RCH on property lines. The agreement between the two needs to be signed before the vacation is approved.

Ms. Hansen asked Mr. Brooks if that was something that could be done. Mr. Brooks said this needs to be resolved before the vacation can be approved.

Mr. Stevens asked if this could be tabled. Mr. Brooks said there may be no other choice but to table it if the agreement isn't worked out.

Motion: Councilmember Arnold moved to table this item until the next meeting on September 20, 2022.

Second: Councilmember Stevens.

Vote:

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

Motion passes unanimously.

- 2. Consideration of Ordinance #956, approving the AFCU Corporate Campus Subdivision, property located at approximately 4624 South and 4724 South 1500 West, Riverdale Utah 84405, as requested by America First Federal Credit Union and AWA Engineering.**

Discussion:

Mr. Brooks asked if the previous issue would affect this item. Jake Tate from AWA Engineering said the vacation will need to be completed before the subdivision can be approved.

Motion: Councilmember Arnold moved to table Ordinance #956 until September 20, 2022.

Second: Councilmember Stevens.

Vote:

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

- 3. Consideration of Ordinance #957 to approve Small Subdivision Amendment for Riverdale Center V Subdivision, Amended, property located at approximately 4045-4113 South Riverdale Road, Riverdale, Utah 84405, as requested by CCA/Kornwasser Group and AWA Engineering Group.**

Mr. Eggett went over the executive summary, which explained:

CCA (Kornwasser Group), as represented by Jake Tate, have applied for an Amended Small Subdivision Plat review and approval for the Riverdale Center V Subdivision, amended proposed development located at approximately 4045-4113 South Riverdale Road in a Regional Commercial (C-3) zone. The proposed amended small subdivision plan is before the City Council for final review and approval of the proposed plat amendment. A public hearing is not required for review of this proposed subdivision.

On May 24, 2022, the Planning Commission reviewed and discussed the Riverdale Center V Subdivision, Amended Plat proposal. At the conclusion of the discussion in the matter, the Planning Commission recommended City Council approval of the proposed small subdivision plat.

Discussion:

Mr. Stevens clarified that this is only to clean up the lot lines. Mr. Eggett confirmed this and said anything further will be included in a site plan.

Jake Tate explained both landowners, Bonnyview and Kornwasser, would need to approve and consent on this. Mr. Arnold said Council would be approving this without the signatures. Mr. Eggett said the mylar is not usually printed and signed until it is ready to go to the County Recorder. It is usually approved by council, then the mylar is printed and taken to owners, the city, engineer, planning commission, and the mayor.

Ms. Hansen reiterated that they are asking Council to approve something that is not signed. Mr. Arnold asked why they would be able to do this without signatures but not the previous two items, as they needed to be tabled for the same reason. He asked if the signatures could be a condition of the motion. Mr. Brooks said his main concern on the vacation is that they are public roads belonging to the city.

Mr. Arnold clarified this item cannot be recorded until the signatures are obtained on the mylar, so if the signatures are not obtained then this will never happen.

Mr. Stevens asked Mr. Eggett to explain the mylar process. Mr. Eggett said the engineer will sign off on it or send it back if there is a problem. Once the engineer has signed, then it goes to Mr. Brooks for legal review. The Mayor is the last approval, verifying the will of the council approving it.

Ms. Hansen said the final mylar is brought to the commission meeting where she works, and that is when the legislative body approves it. They don't feel comfortable voting on something that has not already been approved by all parties.

Mr. Tate asked that this be reviewed under the code that is currently in place, and that if it needs to be changed then the code needs to be changed.

Mr. Eggett emphasized that it has worked this way in every city he has worked in. Ms. Hansen said though she trusts staff, the legislative body needs to be aware of what they are approving. Mr. Eggett said the mayor is the final check and balance

Motion: Councilmember Arnold moved to approve Ordinance #957, noting that all staff concerns need to be resolved.

Second: Councilmember Hilton

Vote:

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

There was discussion about untabling the previous items.

Motion: Councilmember Arnold moved to untable ordinance 955.

Second: Councilmember Merrill.

Discussion:

Mr. Stevens said this is "apples and oranges" in that this item is not the same as the subdivision, and there is no harm in waiting two weeks to make sure it is resolved. Mr. Arnold disagreed and said untabling this would allow the council to talk about it.

Vote:

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

Motion passes 3 to 2. Ordinance 957 untabled.

Jake Tate spoke on behalf of Riverdale Commercial Holdings. He said there are no issues at this point, but that they just received the document this morning due to the holiday. It is really close and only small negotiations are left.

Riverdale Commercial Holdings said they would prefer to have the item tabled. America First wants to conditionally approve it, but RCH is not on board without the agreement being in place.

Mr. Stevens said this was represented as being resolved, but it is not, so it should be brought back when it is resolved. Ms. Hansen agreed that this could put the city in a bad position and should be resolved.

Kim Choate, America First, said it is their understanding that it could be brought to council as long as the negotiations were taking place. She apologized to council and said this is costing AFCU money and they would like to be able to act as soon as possible. Construction is being delayed by this vacation. It would cost AFCU a lot of money if it did not go through, so they are in favor of working with RCH to resolve it.

Mr. Stevens asked how much notice is required for a special session. Mr. Brooks said there needs to be a 24-hour notice. Mr. Arnold said conditional approval is done all the time.

Councilmember Arnold moved to approve Ordinance 955 with the condition that all parties, including Riverdale City are in agreement. Mr. Hilton seconded the motion.

Mr. Stevens asked if he could see this in writing before voting, as he is not comfortable with the vague motion. Mayor Mitchell asked if the meeting could be held up for this, or if Mr. Stevens could just vote no if he doesn't get to see it. Mr. Stevens said it is confusing when the documents change, and he does not want to vote on something that he isn't sure about. Kim Choate said AFCU would be fine if the item is tabled for two weeks, as they do not want to cause contention with the council.

Mr. Brooks noted that, procedurally, since there was a motion and a second, there will need to be a vote. Mr. Arnold said the city council should not be involved to this level and should not be holding up any party. He said he is not going to withdraw his motion and suggested a break be taken from the meeting to update the ordinance.

Ms. Hansen asked to call the question. Mr. Hilton asked to withdraw his second, however since the question had been called, he was unable to.

Vote:

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

Motion does not pass. Ordinance 955 is still being discussed.

Motion: Councilmember Hansen moved to table Ordinance 955.

Second: Councilmember Stevens seconded. He said this needs to be resolved to protect the city.

Vote:

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

Motion to table passes. Ordinance 955 tabled.

4. Consideration to approve Final Site Plan for Shake Shack Riverdale, located at approximately 4142 South Riverdale Road, Riverdale, Utah 84405, as requested by Shake Shack and McNeil Engineering.

Mr. Eggett noted Ted Didas with McNeil Engineering is present representing Shake Shack. He went over the executive summary and staff comments.

Motion: Councilmember Arnold moved to approve the Final Site Plan for Shake Shack Riverdale, located at approximately 4142 South Riverdale Road, Riverdale, Utah 84405, as requested by Shake Shack and McNeil Engineering, with staff concerns addressed.

Second: Councilmember Hilton

Discussion:

Mr. Stevens asked Mr. Didas to give a brief description of the project. Mr. Didas said there are currently two Shake Shacks in Utah, though this would be the first one in the state with a drive-thru. There is a sizeable dining room and outdoor patio as well.

Mr. Brooks said Shake Shack and the Cutrbus Family have been good to work with regarding completing the road behind the store.

Vote:

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

Motion passes unanimously.

5. Discussion regarding water and drought rates, usage, and status.

Mayor Mitchell asked Mr. Cardon to approach the microphone. He said it appears there was more collected than was necessary and said if the fund has enough it may be able to be ended early.

Mr. Cardon said upon preliminary data review, he isn't sure that it is enough, but that a report can be put together after some more data is collected. Mayor Mitchell said the goal is to collect the right amount, not any more or less.

Ms. Hansen said they have had a lot of feedback from residents and suggested a different rate for those within the usage amounts. Mr. Cardon said the billing software does not allow the complexity of doing something like that. Ms. Hansen asked that the city find a way to not punish the people who are conserving and make some changes for next year. Mr. Cardon said he would bring the numbers back to Council so they can decide what they want to do. He said from what he can see, it seems like it has worked so far, and many people who had unresolved leaks have now fixed them.

Mayor Mitchell said the data from this year will help with deciding how to do it next year. There was discussion about some different ways to bill for the drought rates. Mr. Arnold agreed that it needs to be looked at further and needs to be balanced with how the city looks, as some businesses and residents have just shut off their landscape water and it is starting to look terrible.

Mr. Brooks noted that they have not had a chance to talk to Mr. Douglas, public works, about this, as he has been out of town.

Mayor Mitchell said ending the drought rates early would save residents up to \$80, which would help with the tax increase they just received.

6. Discussion regarding senior fees at the Community Center.

Ms. Hansen said the last meeting was focused on the Truth in Taxation, so she didn't realize it was in the fee schedule. She has heard from residents about this. She said though the fee is nominal, it is nominal for the city as well.

Rich Taylor said last year there were about 1600 senior users (55 or older) and about 2500 non-senior users. He said he has not heard this complaint from seniors, and that there is a gym at the senior center that is free. Mr. Stevens said if after-school programs have a fee, then everyone else should as well. He said it should be fair for everyone and consistent. It should be all or nothing.

Ms. Hansen said there is extra cost associated with after-school programs, but not for the seniors to use the equipment. She suggested more information be put out informing people about the free gym at the senior center.

Mr. Taylor said most of the use is pickleball, which has costs associated with it. Mr. Stevens asked if Ms. Hansen meant for the exercise room usage only, or for the entire facility and pickleball. She said she feels the exercise room should be free for seniors.

Mayor Mitchell asked about the hours at the senior center gym. Mr. Taylor said it is not open as long, it's open from 8:00 am to 3:30 pm.

Mr. Stevens noted the employees and council use it for free as well, and that he would be fine with paying a fee.

Ms. Hansen said she would like to have this on a future agenda as an action item. Mayor Mitchell asked if there was anyone else who wanted to. There was no second councilmember.

Comments

1. City Council:
Councilmember Hansen apologized to Mr. Eggett and said she respects his position and passion.
2. City Staff: Mr. Brooks commented that the staff and council do a good job keeping things moving
3. Mayor: The Lesley's Mobile Home Park residents received notice to vacate this week.

Adjournment.

Having no further business to discuss, Councilmember Arnold made a motion to adjourn. Councilmember Hansen seconded and the meeting was adjourned at 7:44 p.m.