

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, November 1, 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
Anne Hansen, Councilmember
Karina Merrill, Councilmember (via telephone)

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

Visitors: Chris Hatch
Lorene Richards

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 members of the public.

Pledge of Allegiance – Alan Arnold, Councilmember

Invocation – Mike Eggett

Public Comment

Loreen Richards, who has lived in Riverdale for 53 years, said she pays her bills through a payment partner. Something happened with some of her bills, and one of them was her Riverdale water bill. She received a double bill, which she paid as soon as she could on October 14th. The next day she received a notice that she had a late fee. In 53 years, she has never been late. She called to see if she could get it taken off and was told she had to speak to city council for any relief. It is hard for her to get out, but she came to the meeting to ask to be relieved of the late fee.

Mr. Brooks confirmed that the city has never had an issue with her before, but that there is no authority for the staff to do anything like this. He suggested something be put in place for staff to have the authority if Council wanted. Mr. Hilton agreed that someone at the city should have that authority. Mr. Arnold said there was another incident in the past with another customer and that they should have the ability to take it to the council without attending a council meeting, but that he worries about the staff being able to address the issues. Mr. Brooks added that there could be parameters and rules for staff to make decisions.

Mr. Stevens asked, rhetorically, if Mr. Brooks was suggesting writing an ordinance, and if it would be retroactive. He brought up a policy that should be included in the ordinance. The IRS had a policy where a penalty could be waived if there had not been a problem before and showed a history of compliance.

Councilor Hansen agreed and said the city she worked for gave the staff authority to look back at the customer's history to make the decision without involving administration.

Mayor Mitchell asked for a consensus to add this item to a future agenda. All were in favor. Mayor Mitchell let Mrs. Richards know that bringing this to the council was going to potentially help fix a bigger problem.

Presentations and Reports

Mayor's Report

- Veteran's Program will be on Friday November 11. Former Mayor Norm Searle is going to conduct the program. The Bonneville choir and band will be performing.

Council Assignment Reports

Consent Items

1. Consideration to approve meeting minutes from:

October 18, 2022 Council Work Session
October 18, 2022 Council Meeting

Mayor Mitchell asked if there were any changes to the minutes from the October 18 meetings. There were no changes.

Councilmember Hansen made a motion to approve the minutes from October 18. Councilmember Hilton seconded the motion. All were in favor and the minutes were approved.

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 partially fund the construction of a new CJC in Weber County.

Mr. Brooks explained the amount came from the CJC's request, and that other cities had been asked how they handled the request (whether they contributed, if it was the full amount, whether they used ARPA funds, and if it was paid all at once). He went over the different cities' responses. He said ARPA funds are available, but that Council needs to decide if, how much, and from where to contribute. ARPA funds are one-time money, and this should be a one-time request.

Councilor Stevens asked if the CJC is a private entity, or if it is a county entity. Mr. Cardon explained it is not a government controlled non-profit entity. The Friends of the Children's Justice Center is their fundraising organization. Councilor Hilton recalled there was a large amount of red tape for the CJC to be a government entity. Mr. Cardon said the CJC is a 501(c)3 so that they are able to accept donations, and that they are closely tied into the county. The building will be turned over to Weber County as the owner once it is built after requests from different cities.

Councilor Hilton said he agrees with using ARPA funds and liked the contingencies that Roy City tied to the agreement to make sure the money went to the new building.

2. Public hearing to receive and consider comments regarding proposed amendment(s) to the Riverdale City FY2023 budget

Motion: Councilmember Arnold made a motion to open the public hearing.

Second: Councilmember Hilton All in favor.

Public comment: No public present.

Motion: Councilmember Arnold made a motion to close the public hearing.

Second: Councilmember Hilton All in favor.

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

Mr. Cardon explained it needs to be disclosed publicly, but that it would not require a budget amendment if ARPA funds were used.

Motion: Councilmember Arnold made a motion to reallocate funds 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, with the same rules that Roy used.

Second: Councilmember Hilton

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

Motion passes unanimously.

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.

Mr. Eggett went over the executive summary and information in the packet regarding the general plan and zoning regulations for both items 3 and 4. Mr. Stevens said he was disappointed with the lack of discussion in the Planning Commission meeting.

He asked why the future owners, and not the current ones are requesting the rezone. Mr. Eggett explained both have signed and both are on board with the rezone request, and Caron Boswell was present at the Planning Commission meeting. Mr. Stevens asked if Carey's Cycle will be able to operate under the new zoning. Mayor Mitchell said they are planning to close the business.

Councilor Stevens asked Chris Hatch with Forza Development about the current ownership of the corner property, and who would own the Garff property after this. He asked if Mr. Hatch was an owner of H&H. Mr. Hatch said he is a part owner and is representing Forza. The Garff properties made more sense to be consolidated with a swap agreement. Garff has another property on the east side and so the swap agreement would make Garff's property contiguous, and the west side property would be a part of the development group.

Motion: Councilmember Arnold made a motion to approve Ordinance #958 for a 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.

Second: Councilmember Hilton.

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

Motion passes 4 to 1.

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.

Mr. Eggett explained this is the property next to the previous item. This has been historically operated as the Carey's Cycle business. He noted that Caron Boswell, owner of Carey's, was present at the Planning Commission meeting and public hearing.

Motion: Councilmember Arnold made a motion to approve Ordinance #959 for a 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.

Second: Councilmember Hilton

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

Motion passes 4 to 1.

5. Discussion and consideration of Ordinance #960 creating city code concerning solicitation rules.

Mr. Brooks explained he has looked at this in the past but was never able to find another city's that he liked. Recently, he came across code from Roy City that looked good, so he tweaked and changed some things to make it fit Riverdale. This has been needed for a long time.

Councilor Hansen said she had a concern about the no-solicitation notices, but after re-reading it she felt it was written in a way that would not cause problems. Mr. Brooks said it is long and detailed, but that he felt it was a good fit.

Mr. Arnold said he thought it was silly and unenforceable, and it may cause problems during campaign times. He asked who would enforce it. Mr. Brooks said it would be complaint-driven and there shouldn't be too many of them, but this would at least give an option to put a stop to any actions that were not appropriate. The solicitors have rights, but the residents do as well. There needs to be a balance.

Mr. Arnold said he would hate to give the "loonies" more options to make complaints about people and gave an example of when he was invited to someone's home and then reported for trespassing.

Councilmember Stevens said he chose to do the bulk of his campaigning door-to-door. He said only two people referred to their no soliciting signs. Most people thanked him for campaigning the old-fashioned way. Sales companies make more money during the summer soliciting than any other way. He spoke about a conversation he had with a salesperson and asked if they had a problem with the notices, and that only HOA's caused problems.

Ms. Hansen said she likes that it will give an opportunity to educate residents that solicitors should have a license as well as a badge. The residents would appreciate having them identified so they know who is safe.

Councilmember Merrill asked if there is a no trespassing sign, that action could be taken, but a no soliciting sign is not enforceable. Chief Brenkman said the no trespassing sign has more weight, but that if an ordinance is in place a citation could be issued. He said there are calls quite often about these and they deal with them. He likes that an ordinance gives the city the ability to screen the companies that are out in the neighborhoods. Councilmember Merrill said in her previous experience in sales, they were encouraged to knock on doors if there is a sign, but not if there is a no trespassing sign.

Mayor Mitchell and Chief Brenkman discussed how much easier an ordinance would make it when complaints are received. Mr. Brooks said it also states that any violations would revoke rights for solicitors to continue within the city.

Motion: Councilmember Arnold made a motion to approve Ordinance #960 creating city code concerning solicitation rules.

Second: Councilmember Hilton

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

Motion passes unanimously.

6. Discussion and consideration of Resolution #2022-35 updating Council Rules and Procedures.

Mr. Brooks asked that the section about dismissing members be stricken for now. He said some of the changes are grammatical and that Ms. Hansen had added a section about the packet being provided in advance. Closed meetings need to be addressed for electronic meetings.

Councilor Arnold said he had a problem with the section about a councilmember's pay being docked for not attending meetings, but after hearing about a councilmember from a different city who stopped showing up, he doesn't have an issue with it. Mr. Brooks stressed that councilmembers could still be excused from meetings without any kind of penalty. Mayor Mitchell asked if members would have to be excused by the mayor, or if the city recorder or administrator could excuse them. It is written that councilmembers must be excused by the mayor.

Mr. Brooks went over the other proposed changes. There was discussion about section 7.5 which says tabled items will be removed after 90 days.

Motion: Councilmember Arnold made a motion to approve Resolution #2022-35 updating Council Rules and Procedures minus section 1.2(g) about needing a two-thirds vote to remove a member for cause.

Second: Councilmember Hilton

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

Motion passes unanimously.

Comments

1. **City Council:** Councilor Arnold asked about the new youth home and if there have been any updates. Mr. Brooks said he has received some different reports but there is no new information. If any changes are made in violation of code on the exterior, they would be handled by code enforcement. Councilor Merrill said she saw 14 teens plus staff members dropped off in a van, and that it is operating.
2. **City Staff:**

- 3. Mayor:** Mayor Mitchell said the city website now includes a link for the general plan update, which includes a survey and an interactive map for residents to pinpoint and add comments or suggestions. He said he was asked what is considered Riverdale's "downtown" or "main street", and he didn't know how to answer it. He asked on social media and received a different response than expected. He encouraged councilors to look at it, tell people about it, and even add comments if they wish. There was general discussion about the interaction from residents regarding the general plan update.

Adjournment

Having no further business to discuss, Councilmember Arnold called to adjourn the meeting. Councilmember Hilton seconded. The meeting was adjourned at 7:26 p.m.

Date Approved: 12/6/2022