

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, January 17, 2023, 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

City Employees:

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

Visitors:

Dennis Peters
Tammy Donohoo
Veldon Wardle
Cam Preston

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 – Anne Hansen, Councilmember

Invocation – Steve Hilton, Councilmember

Public Comment

Mayor Mitchell invited members of the public to speak.

Tammy Donohoo said she has been to several meetings with the PC and CC. She feels that no matter what an engineer says, water takes the path of least resistance. She is all for development but said if her home floods, there will be lawyers involved and she will be getting compensation.

Veldon Wardle commented that the engineer report recently submitted talked about how the river will flood to the east, not to the west. Last time the river jumped its banks it went to both sides. The engineer saying that discredits everything he has said. He is also not opposed to development there, but they have raised it 6-8 feet which is 4 feet above his lot, which will cause drainage and a swamp in his yard. The engineers didn't do a study about that and they don't care about his yard. The fill should be removed back to the original level it was. They are asking council to approve it on their word that the fill will be removed. Once the fill is actually removed, he would support a subdivision there.

Presentations and Reports

Mayor's Report

Mayor Mitchell noted it was the first day of the 2023 legislative session and asked council to keep an eye on things that will affect the city. Councilor Arnold spoke about a meeting with Senator Millner. He said her aide is Tate Warren and if anyone contacts them, they should keep the Mayor informed. They talked about a lead and copper survey in 2024. Mr. Douglas said there would need to be a survey and then follow-through with the results. Mr. Arnold said it could be expensive. They spoke about wanting to repeal SB54 involving signatures for ballots. LGBTQ items in schools will be addressed. The biggest thing from the meeting was that Mr. Warren could be contacted to get information to Senator Millner.

Mayor Mitchell reminded councilors that ULCT will start sending updates regarding the legislative session. He attended a WACOG meeting and said the transfer station is looking to raise rates, which may need to be passed on to residents. He thanked the fire department and police for the quick work on the fire at Leslie's Trailer Park. The owners of the park are now offering \$3000 to residents who move out by February 1st, and \$1500 to those who move out by March 1st. Many of the trailers have been pulled out, leaving a large amount of junk in the park, but it will be cleaned up soon.

City Administration Report

a. Department Reports November/December

Sales tax reports are showing a consistent pattern of drops each month and not keeping up with last year's sales tax amounts.

b. January Anniversaries Employee Recognition

c. Staffing Authorization Plans

Overall, still in good shape and filling positions

d. Community Development Report

Businesses are having a hard time getting supplies and employees, causing delays in opening. Several businesses on the report are close to opening. There should be an influx of finished businesses in the next six months. Mr. Eggett said J Dawgs would be opening Thursday if their license had been issued.

Consent Items

1. Consideration to approve meeting minutes from:

January 3, 2023 Council Work Session

January 3, 2023 Council Meeting

Mayor Mitchell asked if there were any changes to the minutes from January 3. There were no changes. Councilmember Arnold made a motion to approve the minutes. Councilmember Hilton seconded the motion. All were in favor and the minutes were approved.

2. Advice and consent regarding the reappointment of planning commissioners Kent Anderson and Wanda Ney.

Mr. Eggett reported both Kent Anderson and Wanda Ney had agreed to serve another term on the planning commission. Councilmember Arnold made a motion to approve the second consent item. Councilmember Merrill seconded the motion. All were in favor and the consent item was approved.

3. Advice and consent regarding the appointment of a new planning commissioner to fill a vacant position.

Mayor Mitchell said he has asked Celeste Noland to fill the vacancy left by Mr. Wingfield. She has lived in Riverdale for 18 years. She had reached out to Mayor Mitchell with a book recommendation, which is how he was introduced to her.

Councilmember Hansen made a motion to approve the consent items. Councilmember Hilton seconded the motion. All were in favor and the Celeste Noland was appointed.

Action Items

1. Consideration of Resolution #2023-06 approving a master agreement between Riverdale City and the Utah Department of Transportation to provide for water and sewer changes resulting from the 5600 South widening project.

Motion: Councilmember Arnold made a motion to approve Resolution 2023-06 approving a master agreement between Riverdale City and the Utah Department of Transportation to provide for water and sewer changes resulting from the 5600 South widening project.

Second: Councilmember Stevens

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

Motion passes unanimously.

2. Consideration of Resolution #2023-07 approving an interlocal agreement between Riverdale City and numerous other local agencies concerning a contractors list to be used for seal and board services and hazardous materials services.

Chief Sholly explained this is an addendum to the last agreement that was approved, adding hazmat cleanup and allowing the police department to use the list.

Motion: Councilmember Hansen made a motion to approve Resolution 2023-07 approving an interlocal agreement between Riverdale City and numerous other local agencies concerning a contractors list to be used for seal and board services and hazardous materials services.

Second: Councilmember Merrill

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

Motion passes unanimously.

3. Consideration of Resolution #2023-05 for a Development Agreement for property located approximately 4142 Riverdale Road, Riverdale, Utah 84405; as submitted by H & P Investments (Owner).

Mr. Brooks said this was on the agenda for the last meeting, but the owner had not been available. The water agreement was already completed, and this is the second part of the agreements. This is a simple development agreement stating all city and state codes will be followed and that water will be provided and assigned to that particular lot.

Motion: Councilmember Arnold made a motion to approve Resolution 2023-05 approving a Development Agreement for property located approximately 4142 Riverdale Road, Riverdale, Utah 84405; as submitted by H & P Investments (Owner).

Second: Councilmember Hilton

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

Motion passes unanimously.

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

Mr. Eggett reported this was discussed in September 2022. Mr. Parke had requested to be allowed to show some new materials.

Motion: Councilmember Arnold made a motion to un-table Ordinance #953 to approve proposed rezone request from Agricultural (A-1) Zoning to Single-Family Residential (R-1-6) Zoning for property located at approximately 3450 South Parker Drive, Riverdale, Utah, 84405 as requested by Hugh Parke.

Second: Councilmember Stevens

Discussion on motion: Councilmember Hansen requested personal comments not be made during this discussion. Mr. Arnold said it needs to be discussed and the request needs to be moving along.

Motion passes unanimously, item un-tabled for discussion and action.

Mr. Arnold stated if there was new material it should have been provided to the city, but he didn't see anything new in the packet.

Mr. Parke approached the podium and said there was previous discussion about looking at the base flood elevation. Ensign Engineering went out to the site, and they also met with Todd Freeman, Riverdale's engineer. The findings were in the letter in the packet. According to the studies, the development will not affect flooding in Riverglen, as the flooding would happen in Riverglen whether the Purin piece was developed or not. The surveys showed that the design of the subdivision would follow the same topography as the back of the Riverglen subdivision. The higher level is due to the fill brought in by the Purins, who had planned to push the fill to the back and level it out before receiving a cease-and-desist letter. The elevation will be coming down. Drainage coming off the subdivision would be retained on the property, and they have designed drains along the south side of the property to catch water running off, if there is any. He stated engineers have said there should be no problems with flooding or causing flooding.

Councilor Hansen went over the concessions agreed to last time: The fill would be all removed, there would be no two-story homes on the south side, the drainage would be done, and the grade would be done in a way that would drain properly. She asked if they were still willing to do these things.

Mr. Parke stated he did not remember saying the fill would all be removed, but only from where the roads were going. Ms. Hansen said there will be massive issues within a few years if the fill is reused and there is no compaction. Mr. Parke believed the helical piers would eliminate the need for compaction, and the weight of the air conditioner units and gas meters would not be significant enough to need compaction. The driveways would be compacted, but the area will not be over-excavated, so he is not worried about it. Ms. Hansen asked if Mr. Parke was willing to do all of the things he has said he would do thus far.

Mr. Arnold asked Mr. Brooks if the cease-and-desist letter was ignored, benefitting the property owner, why the letters are being sent and why some residents are being prosecuted for having weddings, but these are not prosecuted. Mr. Brooks said he isn't sure why, but it should have been done. Mr. Arnold asked why we don't ignore everything the city says if some things won't be prosecuted. He asked if it could still be done. Mr. Brooks said it could be if the statute of limitations has not been reached.

Mr. Parke recalled the Purins were told they had to have a SWPPP plan in place if they were bringing dirt in, which they did. They were then asked to stop bringing dirt in, and as he understood it, they stopped when they were asked. Mr. Eggett said he recalls a letter with conditions that needed to be met, but he was not privy to the conversations at the time.

Mr. Arnold said three things should have been mitigated before bringing it back to council, and there is no evidence that any of them have been done. Mr. Parke stated the helical pier is an approved and sustained method that mitigates the issue. Mr. Arnold said none of the city's requests have been met. Mr. Parke disagreed, as the helical piers will work fine, and the fill will be compacted under the roads. Mr. Eggett said there has been no documentation from the Army Corps of Engineers on the flood plain.

Mrs. Merrill asked Mr. Brooks if there were two cease-and-desist letters. Mr. Brooks was not sure what letters were sent back then, but he did recall the city administrator asking for one. He said whatever communication was made had been ignored.

Mr. Parke told councilors he thought they would need to bring the proof upon submitting the site plan and not at the rezone. After the rezone is complete, they would prove how they could mitigate the issues.

Mr. Stevens asked who owns the property. Mr. Parke said the Purins still own it, but they have a contractual interest in the land, and once the necessary approvals are made, they would assume the property. Mr. Stevens suggested Mr. Purin should be at the meetings instead of Mr. Parke representing them.

Mr. Stevens thought there should be a resolution and not the "he-said-she-said" that has been happening. He said he has looked at the property and can see what Mr. Wardle is talking about. The hill is concerning even with no basements, as it is still higher than the existing homes. Mr. Parke said the elevation will be coming down and the Purins did not have time to level it before they were told to stop moving dirt. There will be the required elevation differences and slope based on the state regulations to keep water moving where it needs to go – to the river.

Mr. Parke said the design isn't even finished, as the rezone is only the first step. They are trying to get past the rezone so they can begin to deal with the issues and figure out how low it needs to be. They will need to prove those three items before a subdivision plat can even be submitted.

Ms. Hansen asked Mr. Eggett if those issues are normally handled during the subdivision process and not the rezone. Mr. Eggett said it normally is, but that these facts could still be considered in the rezone request. She asked if the issues could be mitigated now or would normally be during the subdivision process. Mr. Eggett confirmed they would have been addressed at that point. Mrs. Merrill asked if these items have all been discussed. Mr. Eggett said there has been no communication regarding them. Dennis Peters said an email was sent at 5:22 pm with information. Mr. Parke assured her he has letters from FEMA and the Army Corps of Engineers saying everything is just fine. The fill is the only thing left, which would be a part of the subdivision and they would be checked by Mr. Douglas along the way. Though they have not been submitted, they do have resolution on all three items, which typically comes at the development time.

Mr. Peters said all the work was submitted in November and they just received the letter that day. He suggested it be tabled again if council members need to look over the letters. He asked Mr. Brooks if prosecution of the Purins for the cease-and-desist violation would affect the subdivision and rezone in any way. Mr. Brooks said that is a civil matter that has nothing to do with the current issue at hand. Mr. Peters said they are fine with waiting for another meeting or moving forward to the subdivision process.

Mayor Mitchell said the property had a pond and large trees, fill was brought in against the city's wishes, and now the property has six to nine feet of extra fill on it. He thinks people have a hard time seeing the property as developable with the fill there. Another concern is that the developers will get further down the road and invest more, and then not have it work out.

Cam Preston with Ensign Engineering said their analysis looks at development on the property. The impact of the development will not change the fact that the lower areas will still be below the flood plain. The subdivision will not affect the flooding that is inevitable at Riverglen. The development cannot make Riverglen come above the flood elevation.

Mr. Peters recognized there were issues with the property owner but said they can resolve it by moving the dirt and grading the land.

Mr. Arnold said he has walked in the water as it was rushing in someone's back door. He felt the engineering report used for the Ensign letter was wrong in stating the water will go to the east and then flow back south into the river, as the problem is going through the bridge where it backs up and moves into the property. There has always been a lake there. The south end of Riverglen is saturated so there is nowhere for the water to go but to the bridge, where it backs up.

There was further discussion between Councilor Arnold, Mr. Peters, and Mr. Preston about the flooding and engineer's reports.

Motion: Councilor Hansen moved to table the rezone until the letters can be provided to Mr. Eggett regarding the three issues

Second: No second, motion dies.

Mr. Stevens talked about moving the dirt into the low spot, which is where the pond forms. Mr. Parke said the city dumps water from subdivisions there which Mr. Douglas corrected, as it is the state and not the city. Mr. Stevens said the low spot is a natural place for the dirt to go, so filling it in would cause a problem.

Mr. Hilton said the underlying problem is that the engineering is based on FEMA and floodplain studies that are flawed, in his opinion. The reports do not fit with what he has seen there. Mr. Hilton explained what he has seen as far as the flow of the river during high water. Riverglen will flood, but the new development would exacerbate the problem. Mr. Peters argued it would not.

There was extensive further discussion regarding water and flooding.

Motion: Councilmember Hansen made a motion to deny the rezone request in order to move on.

Second: Councilmember Hilton

Councilor Hansen said it has been clear that there is not going to be a majority vote on this rezone, and the circular discussions need to stop as they are not making the council look good.

Mr. Stevens said he made it clear in September what he needed to see happen in order to support the rezone. He would like to see something happen to it, as it is zoned A-1 and four structures could be built now.

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

Motion to deny passes 4 in favor to 1 against.

5. Consideration of Ordinance #961 regarding proposed amended updates and corrections to the Moderate Income Housing Plan element of the Riverdale City General Plan to be in compliance with House Bill 462.

Mr. Eggett explained there was a letter of non-compliance received, along with most other cities in the state. The department of housing and development was helpful to make it clear what they were looking for to become compliant. Alicia Gamble at the state gave the go-ahead and said the new draft is complete and compliant. He mentioned having eight goals rather than the minimum of three makes Riverdale a priority city for roads funding. There was a public hearing with the Planning Commission.

Motion: Councilmember Arnold made a motion to approve Ordinance #961.

Second: Councilmember Hilton

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

Motion passes unanimously.

6. **Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual. (roll call vote)**

Motion: Councilmember Arnold made a motion to adjourn into a Closed Executive Session.

Second: Councilmember Hilton

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

Motion passes unanimously. Meeting adjourned to closed session at 7:27 pm.

Present in closed meeting: Braden Mitchell, Alan Arnold, Bart Stevens, Anne Hansen, Karina Merrill, Steve Brooks

Meeting reopened at 8:07 pm.

Comments

1. **City Council:**

- Councilor Merrill said the YCC will not be going to the legislature on 1/18 as previously thought.
- Councilor Stevens suggested a KSL article for the council members to read about the new legislative session and asked everyone to pay attention to the bills being addressed.

2. **City Staff:**

3. **Mayor:**

- Mayor Mitchell said he asked Mr. Brooks to review the court system and provide some materials for strategic planning.
- The mayor suggested everyone watch the Roy City council meetings, as he found them surprising. He thanked each council member for being professional.

Adjournment

Having no further business to discuss, Councilmember Arnold moved to adjourn the meeting. Councilmember Hilton seconded. The meeting was adjourned at 8:16 p.m.

Date Approved: