



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –NOVEMBER 15, 2011**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **November 15, 2011** at 6:01 PM at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Bruce Burrows, Mayor
 David Gibby, Councilor
 Don Hunt, Councilor
 Shelly Jenkins, Councilor
 Norm Searle, Councilor
 Alan Arnold, Councilor

Excused: Larry Hansen, City Administrator

Others Present: Randy Daily, Community Development Director; Steve Brooks, City Attorney; Doug Illum, Fire Chief; Shawn Douglas, Public Works Director; Ember Herrick, City Recorder and 15 members of the public.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all in attendance including all the Council members. He excused City Administrator Larry Hansen who is out of town and he welcomed Mike Staten who is in the audience and congratulated him on his recent election to the City Council effective January 1, 2012.

B. Pledge of Allegiance

Councilor Arnold led the Pledge of Allegiance. Mayor Burrows read a quote from John Locke one of the chief architects of the Constitution who said the obligations of the law of nature applies to all men.

C. Moment of Silence

Mayor Burrow's quote was followed by a moment of silence when he asked everyone to remember those serving in our armed forces.

D. Open Communications

Mayor Burrows invited any member of the public with questions or concerns to address the Council.

Dave Leahy of the Riverdale Veterans Committee thanked everyone for their support at the Veterans Day Ceremony held on November 11, 2011. He thanked Mayor Burrows for his speech and staff for reading the names of local service members and the local army and color guard for the flag ceremony. He also thanked Good Foundations Academy for the children's choir who sang and the members of the City Council and the public who attended the ceremony and showed their support for Riverdale veterans. He

thanked the Veterans Committee for their efforts to make this ceremony a success, naming several members of the committee for their efforts behind the scenes and giving special thanks to Councilor Searle who serves on the Veterans Committee and was the Master of Ceremonies for the event.

There were no additional comments.

E. Presentations and Reports

Mayor Burrows thanked the Veterans Committee for the Veterans Day Ceremony and said the event was well attended. He said there was also good support at the grand opening of the Larry Miller Auto Dealership earlier in the day and he recognized the Council and Planning Commission members who attended.

Mayor Burrows read a letter thanking the Public Works Department for their quick response to an overgrowth problem affecting the public sidewalk in front of their home. Mayor Burrows recognized staff with anniversaries in November including Business Administrator Lynn Fortie who has 20 years with the city. He presented Mr. Fortie with a certificate and thanked him for his work on the city's budget and technical support service to the city.

Mr. Fortie gave a report on the condition of the treasury for the months ending September 30 and October 31, 2011. He said in September there was a payment to JUB for updating Riverdale's storm water management plan and a charge to the motor pool for the purchase of a truck for the Public Works department. In October he said the General Fund received money from an RSAC grant for Riverdale's Drug Court. According to Mr. Fortie, a payment had been made to RiverRestoration for their river bank restoration plan and in the motor pool the Public Works department purchased another truck. He asked for any questions and there were none.

Crystal Young, Representative from Riverrestoration.org said her company's report on 2011 Flooding Damage and FEMA coordination can be used by the Community Development Department, City Engineer, and Army Core of Engineers to mitigate future flooding and plan restoration projects. She said the report's findings were based on field surveys and comparing historic photos to new photos taken after last spring's flooding to create a damage assessment. According to Ms. Young, the slope of the river channel has increased and the width has decreased which reduces the city's ability to deal with future flooding. She recommended the construction of levies to prevent water backing up along the corridor and vigilant cleaning and maintenance of river channels to increase capacity and reduce storm water flow.

According to Ms. Young, there are 12 areas identified in the report the city can triage and FEMA funds can be used as long as there is a 25% cost share by the city. She also recommended coordinating with the Department of Natural Resources (DNR) to create better boat and fish access and said that the report recommends the removal of overgrowth that sprang up along the river corridor during draught years. Ms. Young said another large project is the Kayak Park and she discussed what can be done to create the hydraulic jump that was destroyed during last spring's flooding. She said several agencies including FEMA may be willing to help fund some of these projects and she

discussed how partnerships to enhance ecosystems can open the door to additional funding sources. Ms. Young talked about bird watching, fishing, and the creation of a squirt boat area and another boat ramp as projects that DNR might be interested in helping to fund. She said there can also be an economic benefit to the city as the trail system is repaired and developed. According to Ms. Young, FEMA's 2005 study of flooding risks is not accurate for Riverdale City. She recommended it be revisited as the Council looks at setbacks and discusses storm water mitigation to protect the city from future flooding. As a first step, Ms. Young recommended the Council prioritize the 12 sites identified in the report to determine which are feasible to pursue at this time, which costs can be shared through partnerships and grants, and which are going to be part of a long-term development plan. She asked the Council for any questions.

Councilor Gibby asked about staff hours being applied to meet FEMA requirements and Ms. Young said Public Works and the Fire Department have both reported staff hours during the flooding to FEMA to be counted towards the 25% matching requirement. Councilors Jenkins and Searle asked for a copy of the final report and Ms. Young said she would email it to the City Recorder to distribute to the Council. Councilor Jenkins asked about designating some homes in the floodplain that weren't there originally and Ms. Young said RiverRestoration measured water levels compared to FEMA's 100 year flood plan. There were no additional comments or questions.

Jared Case Project Manager for HAFB's EPA Cleanup Project asked that the Council appoint a member from the city to the Restoration Board now that the former representative Lynn Moulding has retired. He said that Riverdale resident Doug Johnson sits on the board but it would be nice to have a city representative too.

Alan Jones Project Manager for HAFB's EPA Cleanup Project said there are two ground water plumes of the chemical TCE that affect Riverdale and he identified the eastern plume which sits under a Riverdale subdivision on a map for the Council. According to Mr. Jones, TCE is a degreaser that wasn't disposed of correctly by HAFB in the past so the EPA has been monitoring the plumes which sit in ground water beneath the city. He said the ground water contamination doesn't affect drinking water as the plumes are shallow and the aquifers are deep. According to Mr. Jones, HAFB sent letters asking for permission to take air samples from all of the 119 houses that sit over the plume. He said to date 84 homes have been tested and vapor removal systems were installed in six of those homes tested. Mr. Jones told the Council that some of the plumes aren't shrinking and so HAFB is investigating those plumes and working to shrink them. He said additional drilling and studies have allowed them to create a more accurate groundwater model to determine if additional treatment systems are appropriate. He said water is pumped into contaminated plumes to reduce the TCE concentration and this has worked so well on some plumes that the EPA has given them permission to close some of the wells. According to Mr. Jones, TCE treatment involves removing the contaminated water and putting the clean water back into the ground. He asked the Council for any questions.

Councilor Jenkins asked about a home at 5575 S. and 1150 W. marked on the report with a triangle and Mr. Case said that home owner has several guns and uses gun cleaners with TCE on a regular basis. He said they installed a treatment system at the home and there

have not been any reports of high TCE levels since that time. Councilor Jenkins expressed concern that the size of the plumes seems to be increasing since the 1980's and she asked how these chemicals could be impacting residents in poor health. Mr. Case said the TCE levels in the plumes are less dangerous than many household chemicals the average family uses on a regular basis and he said the areas of contamination haven't increased but are better represented by current models because HAFB has better detection and monitoring equipment in 2011 than they did in the 1980's. According to Mr. Case, this explains why the picture has changed over time and why investigation and clean up is ongoing.

Councilor Searle said his reading of the report suggests HAFB is working in the right direction and making progress. He said in his opinion the TCE levels in the air are a greater health concern than ground water because the likelihood of coming into contact with the contaminate under the ground is rare. Councilor Hunt asked about long term health affects of TCE and Mr. Jones said it is a carcinogen and Mr. Case said the EPA has identified a correlation between TCE and cancer. Councilor Hunt asked if the canal breaking years ago could have allowed any of the plumes to contaminate Riverdale and Mayor Burrows said the canal area is not near any known TCE plume. Mr. Case said the TCE plumes are significantly deeper than the area of the canal that collapsed. There were no additional questions.

Mr. Daily said there is nothing new not mentioned in the work session on the Community Development Projects Status Report. He asked for any questions and there were none.

There were also no comments on the Recorder's Report.

F. Consent Items

1. Review of meeting minutes from:

November 1, 2011 City Council Work Session
November 1, 2011 City Council Regular Session

Mayor Burrows asked if there were any changes to the meeting minutes and none were noted.

2. Review and comment by November 22, 2011 on proposed Ordinance 797 regulating individually owned, multiple family, town homes and condominiums MFROZ.

Mayor Burrows said the Council will have one week to review proposed Ordinance 797 regulating individually owned, multiple family, town homes and condominiums MFROZ. There were no questions on the proposed draft.

Motion: Councilor Searle moved to approve the consent items. Councilor Gibby seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

G. Action Items

1. Consideration of Ordinance 798 for a subdivision/lot line adjustment for properties located at 1191 west 4400 south (LOT 1) and the lot adjacent and directly west (LOT 2) of the Fuller subdivision to create new legal descriptions for each of the two lots.

Mr. Daily said the Planning Commission had reviewed this lot line adjustment request and recommended it to the Council for approval following the granting of a variance by Craig Call of the Riverdale City Appeal Board. Councilor Searle asked about the address of the new lot being created and Mr. Daily said the property owner was trying to work this out with the adjacent property owner.

Councilor Jenkins asked about the frontage and Mr. Daily said the lot has the required frontage and is a conforming lot. He said when a single family dwelling is built on the lot it will meet all the setback requirements. Mr. Daily said the side lot width was the issue needing a variance but the lot always had enough frontage for a single family dwelling. Councilor Jenkins asked if the neighbors had been properly notified of the variance hearing and Mr. Daily said the proper public notification was made in compliance with city ordinance. Councilor Arnold said he would have liked to have read the variance meeting minutes so that the Council could review the Appeal Authority's ruling. Mr. Daily said the only reason this request was heard by the Appeal Authority was that the lot didn't meet the 70 foot width requirements of the current ordinance because at the time the lot was subdivided in the 1970's a 60 foot lot width was sufficient. According to Mr. Daily, many of the homes in Riverdale wouldn't meet the current lot width requirements because they were subdivided and built when different requirements were in place. He said that the Appeal Authority's ruling was made in favor of the petitioner because the lot width was in compliance with the ordinance when it was created and only became non-conforming in the 1990's when the ordinance changed.

Motion: Councilor Gibby moved to approve Ordinance 798 for a subdivision/lot line adjustment for properties located at 1191 west 4400 south (LOT 1) and the lot adjacent and directly west (LOT 2) of the Fuller subdivision to create new legal descriptions for each of the two lots. Councilor Arnold seconded the motion.

There was no discussion on the motion.

Roll Call Vote: Councilor Gibby, aye; Councilor Jenkins, aye; Councilor Hunt, aye; and Councilor Searle, aye; Councilor Arnold, aye. The motion passed unanimously.

2. Consideration of participation in a Sewer Systems Study regarding proposed and future development on and around 1500 West and Ritter Drive areas.

Mr. Daily said Destination Homes is requesting that Riverdale City participate in a Sewer Systems Study on the south side of the West Bench area because the city and current and future developments in the area will benefit from the findings. Mayor Burrows asked if Destination Homes is looking for a financial obligation from the city and Mr. Daily said they would like to know what portion the city would be willing to pay of the \$12,000

study and what area the city would like included in the study. Councilor Gibby said he is also concerned about sewer capacity on the North side of the West Bench where he owns land. He disclosed for the public record that he has a financial interest in the development of the north side of the West Bench. Public Works Director Shawn Douglas said the West Bench sewer lines on the north and south side of Riverdale Road are separate and Destination Homes is only interested in developing the bank-owned Hayward property on the south side so he thinks they wouldn't be open to expanding the scope of the study to include the north side.

Councilor Jenkins said the Council wasn't in favor of paying for a traffic study on the impact of development on congestion to 1500 West and Ritter Drive so why would they consider participating in a sewer study. Mr. Douglas said future development of any kind will impact the sewer system and the Council needs to decide what they want to be built there and how they want the area developed. Councilor Arnold said he doesn't believe there is any support for a town home development in this area, he said he has concerns that they won't sell and thinks the Council needs to consider what is in the city's best interest. He said he is not in favor of this development and won't support the city participating in a sewer study.

Councilor Hunt said he is concerned the town homes won't be owner occupied and without a guarantee that they won't be sold as rentals he doesn't think it is wise to move forward. Councilor Searle said he distributed Destination Homes development proposal to some residents that live to the East of this proposed development and the feedback he heard from the majority of the people he talked to is that town homes are preferable to a commercial development. He said the city's sewer system will be impacted by the assisted care living center already approved and the memory care facility proposed to the east of that development and he thinks the city has a responsibility to participate in this sewer study. Councilor Gibby said the city shouldn't pay 50% of the study but as Riverdale does have some interest in the future development of this area, he would recommend Riverdale pays 30% with the bank and developer sharing the difference.

Motion: Councilor Gibby moved to have Riverdale city participate by sharing 30% of the cost of a Sewer Systems Study regarding proposed and future development on and around 1500 West and Ritter Drive areas.

The motion died for lack of a second.

Motion: Councilor Jenkins moved that Riverdale City not participate in a Sewer Systems Study regarding proposed and future development on and around 1500 West and Ritter Drive areas. Councilor Arnold seconded the motion.

There was no discussion on the motion.

Roll Call Vote: Councilor Jenkins, aye; Councilor Hunt, aye; and Councilor Searle, aye; Councilor Arnold, aye; Councilor Gibby, nay. The motion passed with four in favor and one opposed.

3. Consideration of Planning Commission's recommendations and Resolution 2011-31 amending the General Plan Goals, Plans and Objectives.

Mr. Daily said the current draft of the General Plan Goals and Objectives included in the packet was recommended by the Planning Commission following a public hearing. He said that after a two week period allowing the City Council time to review and comment on the proposal, no additional suggestions other than those mentioned by Councilor Hunt in the work session had been submitted and he recommended the Council adopt Resolution 2011-31.

Councilor Jenkins said she would like to see the proposals from the River Restoration Report incorporated into the General Plan. She said that she also wants land use recommendations reviewed to see if they are consistent with the goals of the General Plan so that ordinances can be drafted to ensure that the current zoning matches the plan.

Councilor Searle said under Goal 2 Objective B he would like the Wasatch Front Regional Council included along with Transcom and WACOG as organizations the city works in connection with to create a transportation plan for the city. Also under Goal 2 he suggested that one of two references to establish and maintain a relationship with UDOT be deleted as it is redundant and under Objective F he recommended the addition of the Veterans Committee as one of the groups the city works with to create a united community. Councilor Searle suggested a citizen committee be set up to get input as a bike trail system is developed and Mayor Burrows recommended it be an ad hoc and not a standing committee. Councilor Jenkins said she would also like to see the addition of the Wasatch Front Regional Council language suggested by Councilor Searle and Mayor Burrows said Riverdale City can appoint someone to Transcom and WACOG but not the Wasatch Front Regional Council. Councilor Gibby said he would like an annotation under Goal 1 Objective C incorporating the findings from the RiverRestoration study.

Motion: Councilor Gibby moved to approve Resolution 2011-31 amending the General Plan Goals, Plans and Objectives with the additional items noted by the Council in their discussion. Councilor Arnold seconded the motion.

There was no discussion on the motion.

Roll Call Vote: Councilor Hunt, aye; and Councilor Searle, aye; Councilor Arnold, aye; Councilor Gibby, aye; Councilor Jenkins, aye. The motion passed unanimously.

4. Consideration of Resolution 2011-27 adopting modifications to interlocal agreement Paramedic's onboard fees.

Fire Chief Doug Illum said the Council had been presented with a copy of this interlocal agreement several months ago but Riverdale was not listed as a participating member at that time because of a clerical oversight. He said there have also been changes made to some of the language in the documents as the different city attorneys have reviewed the interlocal. He said the current revised draft incorporates all those changes and includes the city of Riverdale as a signatory. He asked for any questions and there were none.

Motion: Councilor Gibby moved to approve Resolution 2011-27 adopting modifications to interlocal agreement Paramedic's onboard fees. Councilor Arnold seconded the motion.

There was no discussion on the motion.

Roll Call Vote: Councilor Searle, aye; Councilor Arnold, aye; Councilor Gibby, aye; Councilor Jenkins, aye; and Councilor Hunt, aye. The motion passed unanimously.

Discretionary Items

Mayor Burrows asked if there were any discretionary items and Councilor Arnold said a resident contacted him with a positive story about how he had been reluctant to participate in the city's recycling program but had been convinced to try it by his wife. He said he is now a big supporter of the program and looks forward to a time when the recycling cans are picked up weekly and garbage is removed only twice month.

Councilor Hunt asked Mr. Douglas for a status report on the damage reported to some of the recycling cans and Mr. Douglas said his department is working with the can manufacturer to determine if it is a flaw or a defect. Mr. Douglas said to date there have been six reports of cans breaking and testing is currently ongoing because the cans are designed to be used in cold weather so he is hoping that it is just a defective batch of cans and not a design flaw.

Mayor Burrows said two residents have contacted him about recycling, one claiming they sent in the opt-out notification but still received a can and a second stating that her financial situation has changed and she can no longer afford to participate in the program. Councilor Jenkins said she has heard from three residents that claim they opted out and still got cans, she said she tried to explain the Council's decision and told them to contact the Mayor as he has the power to waive charges.

Mr. Douglas said he has had two separate individuals triple check the opt-out forms received and there is no record of those individuals submitting the necessary paperwork to opt-out of the program. He said if the Council wants to change the policy they need to communicate that to him. Councilor Searle said if residents claim they opted out he thinks the city should give them the benefit of the doubt. Mayor Burrows said he is hesitant to use his executive power when the Council has agreed on a program like recycling and he said he would rather that the Council comes to a consensus to allow the Public Works Department to use their discretion in dealing with these rare exceptions. Councilor Arnold asked City Attorney Steve Brooks if the Council could make a consensus decision on an item not listed as an action item on the public agenda and Mr. Brooks confirmed the proper protocol would be to notice this item on a future agenda before amending a resolution.

Councilor Searle suggested a notice be made in the newsletter informing residents that if they recycle their newspapers at the local elementary school that generates some revenue for the public school system to fund school projects. He said if people know there is a financial benefit to students they may continue to recycle their newspapers at the school instead of putting them in their recycling bins.

H. Adjournment:

With no further business to come before the Council at this time, Councilor Arnold moved to adjourn the meeting. Councilor Gibby seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:54 PM.

Approved: December 6, 2011

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder