

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **January 4, 2005** at 6:00 p.m. at the Riverdale Civic Center.

Members Present: Bruce Burrows, Mayor
 Nancy Brough, Councilor
 David Gibby, Councilor
 Stan Hadden, Councilor
 Stacey Haws, Councilor
 Shelly Jenkins, Councilor

Others Present: Larry Hansen, CAO
 Lynn Moulding, Public Works Director
 Stevin Brooks, City Attorney
 Cindi Mansell, City Recorder

Alex Hansen	Nathan Porter	Todd Aubrey
Vicky Morton	Jenny Anderson	Glen Porter
Orren Evans		

Mayor Burrows called the meeting to order and welcomed all those present. Councilor Jenkins offered the Pledge of Allegiance. Mayor Burrows then read a quote from Christopher Columbus, followed by a Moment of Silence.

Special Recognition

Mayor Burrows welcomed the Boy Scouts present. Todd Aubrey informed the Mayor and Council that he is with Scout Troop #187. He stated he is with his leader, Glen Porter; and Nathan Porter, Troop Member. He stated they are working on their Citizenship in the Community merit badge.

Mayor Burrows also acknowledged the attendance of Bonneville High School classmates, who are studying current events.

Mayor's Report

Mayor Burrows encouraged the City Councilors to make arrangements for the Elected Officials Day at the State Legislature. He explained this entails a general session as well as discussion opportunity to talk to local representatives and then sit in on committee meetings, etc. Councilor Haws stated he attended this function last year, and found it to be interesting and beneficial. Mayor Burrows stated he feels this to be a good opportunity.

Common Consent Items

Approval of Meeting Minutes

Mayor Burrows stated the Council has been presented with the Work Session and Regular Meeting minutes of December 7, 2004; and the Work Session and Regular Meeting minutes of December 21, 2004. There was one correction to the regular meeting minutes of December 21, 2004.

Motion Councilor Brough moved to approve the consent items as presented, and including the amendment as proposed. Councilor Gibby seconded the motion. The motion passed unanimously.

Storm Water Utility Easement Vacation - 4506 South 950 West

Mr. Moulding explained this proposal is for consideration of vacation of a storm water utility easement to the property located at 4506 South 950 West, in exchange for a replacement 20' easement over which the City of Riverdale has constructed new storm water facilities in order to route storm water along a new path. He clarified this particular easement formerly went across the Carpenter property and has now been rerouted across their property in a different direction and through the Senior Facility.

Motion Councilor Gibby moved to approve Vacation of the Storm Water Utility Easement as proposed to the property located at 4506 South 950 West. Seconded by Councilor Brough. The motion passed unanimously.

Storm Water Utility Easement Vacation - 586 West 4000 South

Mr. Moulding explained this proposal is for consideration of vacation of a storm water utility easement on the property located at 586 West 4000 South. He explained this provides an easement exchange on the side yard of the same property, as larger pipe was just installed in the area.

Motion Councilor Gibby moved to approve Vacation of the Storm Water Utility Easement as proposed to the property located at 586 West 4000 South. Seconded by Councilor Hadden. The motion passed unanimously.

Proposed Resolution appointing Taxing Entity Committee Representatives

Mr. Hansen stated consideration is necessary for appointment of two representatives to serve on the Taxing Entity Committee for all Redevelopment, Economic Development and Education Housing Development Project Areas in the City of Riverdale. He stated the proposed new RDA areas at the 550 West and West Bench areas, and the Cozydale EDA being proposed - necessitate the establishment of this committee. He explained the committee is comprised of eight individuals, and two are appointed by the City Council to act in behalf of the City of Riverdale.

Mr. Hansen explained this particular committee has the responsibility to approve the budget that is developed and accompanies the new RDA areas. He stated on behalf of the City of Riverdale, staff is recommending consideration of the appointment of Lynn Fortie and Jan Ukena. There is also the need for designation of an alternate. Mr. Hansen stated this committee will listen to presentations made by the Mayor, himself, and Randy Daily, to explain the rationale and the need for the use of redevelopment or economic development in each of these three areas. He stated with regard to financial implications, Mr. Fortie would be well suited to serve; and the planning and community development background of Mrs. Ukena would also be beneficial.

At this time, Councilor Gibby disclosed that he is a property owner within one of the proposed new RDA areas.

Motion Councilor Brough moved to approve the appointment of Lynn Fortie and Jan Ukena as the two voting representatives of the Taxing Entity Committee. Seconded by Councilor Hadden.

Councilor Haws expressed concern that he feels an elected official should serve as one of the representatives. He suggested having Shelly Jenkins serve on the committee and Jan Ukena to serve as alternate. Councilor Gibby stated he would have total confidence in the abilities of Stan Hadden as well, and he feels consideration should be given to his knowledge and association with Weber County.

Mayor Burrows stated as staff gave consideration to the people who would be serving on that committee from other entities, it was felt they would most likely be people who were in a position of responsibility. He stated it was felt that staff could get to the heart of these issues and represent Riverdale on this committee.

Call to Question

Roll call vote. Councilor Haws, No; Councilor Jenkins, No; Councilor Hadden, Yes; Councilor Brough, Yes; and Councilor Gibby, Yes. The motion passed 3-2.

Discussion followed regarding the alternate position. Mayor Burrows stated Councilor Hadden has held a position with Weber County before and has knowledge; yet, is concerned about a recent newspaper article that may have bearing on whether he serves or not.

Councilor Brough stated she personally appreciates the background of Shelly Jenkins in her service on the Planning Commission, as well as savvy about financial and planning issues. She pointed out that Mrs. Jenkins has a longer remaining term on the City Council than Councilor Hadden. Councilor Jenkins stated the reason she voted against two staff representatives is that she does agree with Councilor Haws that someone from the City Council should be on the committee and more in the loop. She stated the alternative position is more figurative anyway, and there will not be that much involvement.

Councilor Brough inquired as to potential for alternate attendance at all meetings in an effort to be more up to speed on all the issues. Mr. Hansen stated that would be administrative intent. Councilor Gibby inquired if it would be appropriate to wait and see the resulting makeup of the Taxing Entity Committee. He stated it could then be seen if there is an individual to best fit the committee rather than appointing up front without knowing the composition. Mr. Hansen read a letter prepared by the RDA Council as sent to the Taxing Entities, stating the appropriate act requires appointment of representatives within 30 days of this Notice of Creation of the Committee. He stated this means the Council has until January 18, 2005 to designate an alternate. Discussion followed regarding whether the remainder of the committee will have been established by that time, with Mr. Hansen stating more will be known by then.

Further discussion followed relative to the appointment of Councilor Jenkins. Councilor Jenkins stated she has no problem in representing Riverdale, but she feels selection is limited as to what this body has to offer. Councilor Haws stated he feels this is a committee made up of taxing entities that tax property; and then an RDA area is created and this taxing entity committee

decides whether the RDA gets to take the tax increment. Mr. Hansen explained the RDA is going to make presentations to this committee as to why they believe it would be in their best interest to allow the RDA to take those increment payments; and the committee then represents the taxing entities and determines if this is appropriate. Councilor Haws stated he continues to feel that an elected official from the City would be a more proper person to decide for the City whether or not to give up the tax increment to the RDA for this process. He stated he would like to defer appointment of the alternate.

Motion Councilor Gibby moved for approval of the Proposed Resolution appointing two representatives as designated; and to amend the motion to appoint the alternate as a member of the City Council by January 18, 2005. Seconded by Councilor Hadden.

Discussion followed regarding adoption of a formal resolution, yet not having filled in all necessary blanks. City Recorder Mansell voiced her concerns with the resolution being incomplete and yet officially considered as adopted upon signature and posting. Mr. Brooks stated he would have no legal concerns with appointing the alternate at a later date.

Motion Councilor Gibby moved to withdraw his motion authorizing approval of the proposed resolution and to await formal adoption at the January 18, 2005 meeting when all appointments can be made. Seconded by Councilor Hadden. The motion passed unanimously.

Resolution #1-2005 requiring dual signatures for all banking account activity

Mr. Hansen explained there is the desire to designate four staff individuals, as well as the Mayor and Mayor Pro-Tempore, to be approved and designated by resolution to be authorized signers on all banking account activity.

Inquiry was raised as to the Office Manager position, with Mr. Hansen stating this position is currently vacant and in the process of being filled. He clarified this individual will have signing authority. Councilor Gibby inquired as to any two signatures as opposed to particular groupings, with Mr. Hansen stating any two from the listing will be appropriate. Councilor Haws stated there is not currently a Deputy City Treasurer. Mr. Hansen stated he is officially the Treasurer, and the current Deputy Treasurer is now designated as Acting Business Administrator. He stated the listing could be amended to include a Deputy Treasurer by position, as he feels this to be appropriate as well as beneficial.

Councilor Haws inquired if this includes the checking account as well as all other investment accounts. Mr. Hansen offered clarification that any of these signatures will be required on all banking activity accounts, but not petty cash. He stated two signatures have previously been required on all checks, but not for banking activity.

Motion Councilor Haws moved to approve Resolution #1-2005 establishing a policy of requiring dual signatures for all banking account activity; including the amendment to add the Deputy Treasurer Position as an authorized signatory. Seconded by Councilor Brough.

Roll call vote. Councilor Jenkins, Yes; Councilor Hadden, Yes; Councilor Brough, Yes; Councilor Gibby, Yes; and Councilor Haws, Yes. The motion passed unanimously.

Discretionary Business

Safety Committee Claim

Councilor Jenkins referenced the recent Safety Committee meeting minutes, specifically the David Arlofski claim regarding a sewer backup situation. She expressed concern based on the detail of the minutes, as she really struggles with a position that this was a line issue and was not the fault of the homeowner. She stated she feels there is the need for further discussion regarding this particular issue, because she has concern about what has happened to these individuals.

Councilor Jenkins stated although she does not feel the City was negligent, these people have been damaged and she feels this situation to be a moral issue.

Mr. Hansen stated several discussions have taken place regarding similar issues. He stated there have been experiences in the past where there have been issues that have been line problems that the City has been in position and felt a compelling need. He stated in this particular case, Mr. Moulding has reviewed and discussed the issue with URMMA. The response is that acts of line maintenance were adequate and in following reasonable practices. Mr. Hansen stated unfortunately, this is a risk that homeowners face, and he is unsure as to whether it would be wise to set a precedent by overturning these types of decisions. He stated the City's liability company has advised staff to be careful in making decisions based on humanitarian issues.

Councilor Brough inquired as to the potential to conduct a Closed Executive Session in order to openly discuss this matter. Mr. Hansen stated the meeting scheduled for next week should be brief and time could be scheduled under the litigation code reference. Councilor Haws stated he would not be comfortable titling this issue as reasonably anticipated litigation; and inquired if this could be handled differently in lieu of the financial difficulties associated with residents covering these damages. He inquired as to the potential of an RDA loan to cover such a loss. Mr. Hansen stated there is an actual meeting scheduled this week to discuss this exact potential. Councilor Haws stated he would rather handle this situation in that manner, and Mr. Hansen stated he feels it could be likely at this point.

Councilor Jenkins expressed concern as to these types of situations that can occur to unsuspecting homeowners. She stated they pay for a service in hopes the City is going to maintain the lines; and the resident has no latitude to inspect the sewer system. She clarified she is not talking about sewer laterals, but rather, the main line - everybody's sewage. Councilor Jenkins stated although she does not see the City as being negligent, she does feel the need to look at the entire process. Mr. Hansen stated he feels the current practices are sound. He stated staff is sensitive to moral implications and have made reasonable attempts to assist this specific incident in the right way, yet not setting a precedent they cannot live with.

Mayor Burrows stated he would suggest letting the process take its course, before the Council steps in and interferes. He stated the process is still underway and has not yet come to resolution. Councilor Brough stated she would still like to have a time to discuss such implications more thoroughly. Mayor Burrows stated main line functions are more of a Sewer Board issue. He stated

he is personally positive that Mr. Moulding has gone over and above in attempting to ensure there are no resulting issues.

Streetlights in River Glen Subdivision

Councilor Haws inquired as to when the street lights will be activated within River Glen Subdivision. Mr. Moulding stated the developer had called and was told by Utah Power that he needed a letter from the City requesting connection. He stated he typed up the letter and it was picked up by the developer; and that is the last he has heard of this issue. Councilor Haws inquired as to staff follow-up; and expressed concern as to whether this should be part of development. Mayor Burrows stated this item will be placed on the Recorder's report to ensure follow-up.

Councilor Jenkins referenced developments with standard lighting, and inquired if they should not be activated sooner. Mr. Moulding offered explanation this is totally up to the developer to complete on his own schedule. He stated the only control is the release of escrow funds upon completion. Councilor Jenkins inquired as to public safety issues associated with the streets not being lit because the developer is dragging his feet. She stated there are reasons to provide street lights. Mr. Moulding stated he feels if there were to be a resulting accident; it would be the developer's responsibility. Mr. Hansen stated perhaps staff could reconsider the development agreement process to pursue time and escrow being held.

Transportation Master Plan Considerations

Councilor Brough inquired as to further consideration of the Transportation Master Plan. Mayor Burrows stated this item is scheduled for the January 18, 2005 agenda. Inquiry was raised regarding whether the Planning Commission will have visited this issue; with Mayor Burrows stating they have been provided the original presentation and will be invited to attend the Council meeting.

Trail Access Town Meeting

Councilor Brough inquired as to the scheduled Town Meeting to be held on January 26, 2005. She inquired as to the process, who is to be involved and presenting, and whether there is to be design or schematics available. Mr. Hansen stated he and Mr. Moulding have talked about preparing design concepts as well as maps of various trail sections; including potential cost estimates. Inquiry was raised as to process for the meeting, and whether letters of notification are to be mailed to area residents. Mayor Burrows stated staff will present an introduction, followed by remarks and a question/answer period. He stated staff will coordinate area notification.

With no further business to come before the Council at this time, Councilor Haws moved to adjourn the meeting. Councilor Gibby seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:07 p.m.

Attest:

Approved: January 18, 2005

Cindi Mansell, City Recorder

Bruce Burrows, Mayor