

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **February 21, 2006** at 6:00 pm at the Riverdale Senior Center, 4433 South 900 West.

Members Present: Bruce Burrows, Mayor
David Gibby, Councilor
Gary Griffiths, Councilor
Stacey Haws, Councilor
Shelly Jenkins, Councilor
Doug Peterson, Councilor

Others Present: Larry Hansen, City Administrator
Randy Daily, Community Development Director
Lynn Fortie, Business Administrator
Wayne Hoaldrige, Public Safety Administrator
Doug Illum, Fire Chief
Brody O'Connor, Firefighter
Karen McIntosh, Police Detective
Steve Brooks, City Attorney
Jan Ukena, City Planner
Cindi Mansell, City Recorder

Alan Shurtluff

Mayor Burrows called the meeting to order and welcomed those present. Councilor Peterson offered the Pledge of Allegiance. Mayor Burrows then read a quote by Robert Livingston regarding the conclusion of the Civil War; followed by a Moment of Silence.

Mayor's Report

Mayor Burrows reported that the Riverdale Substance Abuse Drug Court Graduation will be conducted on Thursday, March 2, 2006, at 6:30 p.m. at the Community Center.

Mayor Burrows reported that City Recorder Cindi Mansell has submitted her resignation; and a farewell luncheon is being conducted on her last day at noon, March 1, 2006.

Planning Commission Member Appointment

Mayor Burrows distributed a letter from David J. Coles, requesting candidacy on the Riverdale City Planning Commission. He stated he would recommend this individual for the advice and consent of the City Council to fill the vacancy term remainder of Kathy Eskelsen.

Motion: Councilor Gibby moved to approve the appointment of David J. Coles to the Riverdale Planning Commission for the remainder of the term as proposed. Councilor Peterson seconded the motion.

Roll call vote: Councilor Haws, Yes; Councilor Jenkins, No; Councilor Peterson, Yes; Councilor Griffiths, Yes; and Councilor Gibby, Yes. The motion passed 4-1.

City Administrator's Report

Department Information

Mr. Hansen referenced the information packet with summary reports by department for the month of January, 2006. He highlighted ongoing lobbying and legislative efforts, stating this should be wrapping up next week. He stated staff has been busy conducting preparatory work for the Strategic Planning sessions. Mr. Hansen highlighted specific department activities; including group wise and server updates, ladder truck purchase, officers visiting addresses of locally registered sex offenders, building inspector testing and certifications, grand opening of Lucky Buffet Restaurant, etc. He explained the major projects summary report is included in the report and posted on the website; and are the larger issues in which the community may have interest.

Councilor Haws stated in regards to legislation, the bill mandating recording of meetings is in the process of approval. He stated with the transition of the City Recorder position, it may be good to begin recording in the interim anyhow. Mr. Hansen stated in effort to provide the City Council the latitude to act as policymakers, this item can be placed on the March 7, 2006 agenda for consideration.

Weber Morgan Narcotics Strike Force - 2005 Annual Report

Agent McIntosh addressed the Mayor and City Council, stating she has been with Riverdale almost 11 years and is currently serving in the Strike Force as the Agent over the Drug Endangered Child Program. She proceeded to provide background on the Strike Force, including 815 illegal drug activity complaints. She stated the Strike Force initiated 538 criminal investigations, which resulted in 526 arrests and the seizure of illegal drugs valued on the street at \$1,415,473.63; or a 13% increase in arrests from the previous year.

Agent McIntosh explained she works with Child Protective Services in collective investigation to contact individuals on complaints where illegal drugs are being used where children are exposed. She stated she works closely with the Children's Justice Center, and strives to provide a safe haven for children to be interviewed. She stated obviously, most parents are not too interested in having children interviewed or tested by detectives. Of 239 children tested, there is an 87% positive rate of drugs resulting from hair strands.

Agent McIntosh stated criminal charges are then brought against the parents, and she works hard to get them prosecuted. She stated during 2005, 33 investigations were opened and 49 suspects arrested or summoned to appear in court on these charges. She stated parents have to undergo treatment and maintain standards in effort to get their children returned. She stated much of her information results from Child Protective Agency caseworkers or the 866-hotline. She stated she feels the better the public can be educated, the bigger affect in the fight against drugs; and she does community presentations on drug endangered children. This education is to let people know that although she cannot stop them from doing drugs - she can stop them from doing them in front of their children.

Agent McIntosh discussed the neglect and exposure to children associated with drug use; stating together, the Strike Force is working together day-by-day as a small group trying to fight and take down this drug culture.

Discussion followed regarding location, with Agent McIntosh stating she can work freely anywhere in both counties. Further discussion followed regarding probable cause, search and seizures, etc. in relation to drug activity. Agent McIntosh stated she can react on suspicious behavior, but must have probable cause for a warrant or reason to search. Inquiry was raised regarding efforts relative to drug activity in Riverdale Park, with Agent McIntosh stating actually viewing the drug transaction would help, and typically, drug users have warrants also. She stated perhaps this type of occurrence could fall under park curfew violation.

Inquiry was raised regarding the breakdown of numbers between each city, with Councilor Jenkins asking about intelligence. It was stated this reflects interfering with arrest/disorderly conduct, etc.

The Mayor and City Council thanked Agent McIntosh for this informative and effective report.

Fire Services - 2005 Annual Report

Chief Illum explained 2005 was a great year, consisting of 903 calls. He stated call volume is up 20% from the year before, and noted the hiring of Captain David Ermer and several new firefighters. He stated change in personnel is normal for a part-time department. He stated the new fire truck is in service, and was recently used on a structure fire (two days after it was received).

Chief Illum stated \$6900 was collected in Hazardous Materials response, and should help recoup costs for materials. He thanked the Mayor and Council for their support of the fire service, and stated the department strives to provide a professional product to the citizens of Riverdale and those passing through. Chief Illum stated one other thing ongoing is the Urban Search and Rescue Class at Ogden City's Tower, and this relates back to the recent budget opening to include the Homeland Security funds. He stated this training is free, and he intends to continue to try and use the grant funding to continue to support the citizens of Riverdale.

Councilor Griffiths stated the CERT Program is no longer with FEMA, and has been put over into the Citizens' Core area. He inquired if the Fire Department is in charge, and Chief Illum stated this still falls underneath and is an integral part of the first responder, fire department, emergency services.

Councilor Jenkins thanked Chief Illum for this valuable report.

Councilor Haws inquired as to the increase in calls, with Chief Illum stating there are more residents in the City, more people shopping and traveling through. He stated also, as the population ages, there are more calls. Inquiry was raised as to things the City could do to

decrease calls, with Chief Illum stating the department is doing everything they can for accidents; he is working on a \$40,000 grant for physical fitness; and looking at giving away Carbon Monoxide Detectors to the residents of Riverdale. He stated these types of functions will not impact the budget or the citizens because it comes from grant funding obtained from FEMA.

Chief Illum stated relative to education, the department routinely conducts free CPR training.

Employee Recognition

Mr. Hansen explained the Employee Recognition practice involves 5-year intervals of service recognition. He stated the report illustrates everyone with an anniversary in the month of February; however, certificates and awards are given for 5-year increments. Mayor Burrows, Mr. Hansen, Public Safety Administrator Hoaldrige, and Chief Illum then honored Brody O'Connor, Fire, 5 years.

Recorder's Report

Councilor Jenkins discussed the Recorder's Report contents. She stated the name change of the Safety Committee was discussed some time ago and needs to be further investigated for legal position. She stated she would like placement on the report to follow-up activity of changing the name, and accompanying policy and ordinances.

Motion: Councilor Jenkins moved to add a follow-up item to the Recorder's Report for the change of the Safety Committee to the Risk Management Committee. Councilor Haws seconded the motion. The motion passed unanimously.

Consent Items

Approval of Minutes

Mayor Burrows reported the City Council has before them the minutes of the Joint Meeting of January 24, 2006; Work Session and Regular Meeting Minutes of February 7, 2006. There were no amendments necessary.

Report on Condition of the Treasury - as of January 31, 2006

Mr. Fortie highlighted the major items that occurred during the month of January. He discussed sales tax revenues from November sales; Class C road funds; and business licenses on the revenue side. He stated on the expenditure side, the Police wages are higher because of the retirement payout of Lt. Paige Ansley; and streets payout on the Cottonwood Reconstruction. He further discussed Capital Projects - the final pay request on the roundabouts and the motor pool payment to purchase the new fire truck.

Motion: Councilor Gibby moved to approve the Common Consent items as proposed. Councilor Peterson seconded the motion. The motion passed unanimously.

Check City - Final Site Plan

Mrs. Ukena explained the original site consisted of five parcels which have now been consolidated and recorded. She stated the Planning Commission has forwarded a positive

recommendation on the final site plan as presented. She stated Check City has not been able to secure cross-access agreements but are still working on it. She stated the site is designed so that if or when cross access is given, it will be very easy to throw them in.

Discussion followed regarding the cross access, with Mrs. Ukena stating Chili's was not approached because their parking is already limited. She stated in fact, Check City would most likely see parking from Chili's customers in the evening when they are closed.

Mrs. Ukena stated a new building will be constructed, and will include 23% landscaping. Inquiry was raised as to how much landscaping would be lost in conjunction with the Riverdale Road widening, and Mrs. Ukena stated she is hoping that none will be lost. She explained the plan is for the merge lane from 1050 West to serve as the third lane; and if this remains, no landscaping should be removed. She stated if it does occur, it would not eliminate any parking and she would be surprised if landscaping went below 20%.

Alan Shurtluff, Curtis Miner Architecture, presented colored renderings illustrating elevations and colors that are very typical of all new ground-up designs for Check City. He stated Check City has been trying to get shared access for about two or more years and have had no success. He stated efforts will continue to retain shared access, and there are already tenants who have signed lease agreements with the property owner.

Councilor Griffiths inquired if curb cuts can be made once cross access is obtained. Mr. Shurtluff explained that everything is designed, including parking elevation, to intend on getting access on both sides eventually. Discussion followed regarding the fact that Home Depot has control and power over all parking for all tenants in this particular subdivision. Mr. Shurtluff expressed concern that even though cross-access should prove to be beneficial to Home Depot, response has been less than friendly at their corporate level.

Mr. Daily stated he feels that an agreement can be reached once the construction is completed. He discussed friction with the original owner, and stated he would attempt to make contact with Home Depot again. Mrs. Ukena continued that UDOT has provided front access as well. Mr. Daily stated the Design Review Committee will oversee approval of the material and color palette.

Motion: Councilor Gibby moved to approve the final site plan as proposed for Check City located at 985 West Riverdale Road. Councilor Jenkins seconded the motion. The motion passed unanimously.

300 West Roadway Project Considerations

Mr. Hansen stated Mr. Moulding had attended the 300 West Roadway Construction Project Pre-construction meeting today. He stated this information is to continue discussion from Strategic Planning; and the opportunity to reduce the project from 361 days to 270 days. He stated 112 days would be saved if the road is allowed to be closed to thru-traffic. He referenced a handout of pros and cons.

Mr. Hansen stated Washington Terrace City plans to take action tonight at their meeting to formally act on this same option. He stated having briefly discussed this concept in Strategic Planning; staff would like to officially have the Council move to opt for the road closing option on the project to allow for quicker construction and for the contractor to complete the project by August 31, 2006.

Mr. Hansen discussed the intent to compile a press release, coordinate with Washington Terrace City and their press reporter, in effort to make the public aware of the closure and reasoning. He stated information would also be distributed via newsletter and website.

Inquiry was raised regarding the School Board response, with Mr. Hansen stating they were at the pre-construction meeting but he is unaware as to their response. He stated in talking with the engineer, there is a potential of 12-17 minute delays if looking at optimal timing on a three-way signal. Councilor Haws expressed concern as to the many schools and buses that travel this route. Discussion followed regarding alternate routes and the fact that a school bus could not wait 12-17 minutes regardless.

Councilor Griffiths expressed concern as to the dangers associated with a construction zone, buses and children. He stated there is the need to close the road and alleviate potential accidents and work stopping as a result of an accident that might lead onto the road waiting for lights to change.

Councilor Jenkins stated it is always a great inconvenience to change a road, but roads have to be rebuilt. She stated the Council has chosen the option for road closure versus extending the project financially and time wise by keeping it open. She stated if emergency response crews can work around the closure, she is hopeful the general public will appreciate the savings of government dollars.

Councilor Peterson stated there is also the option of the toll road. The suggestion was given as to a rate reduction during construction. Councilor Peterson stated he would like to contact Doug Stevens (Adams Parkway Owner) or would suggest working with Washington Terrace to see if the combined efforts can come up with funding to help traffic. He stated he would like to explore these types of options and would like to offer his assistance.

Councilor Gibby stated discussion had also taken place regarding business sponsorship, and perhaps larger business could be approached and offer some type of validation process. Mr. Daily stated this is being pursued, and he will be happy to contact the toll road manager and respond at the next meeting.

Motion: Councilor Gibby moved to approve closure of the road during the 300 West Roadway Construction project as proposed. Councilor Griffiths seconded the motion. The motion passed unanimously.

Ordinance #654 proving for Election Code & Consolidated Fee Schedule amendments

Ms. Mansell explained Councilor Haws had raised the issue relative to clarity associated with unclear financial disclosure amounts. She stated the proposed ordinance would clarify

contributions "more than" fifty dollars and "less than" fifty dollars. She stated she feels there is also the need to establish an election candidate filing fee; and has proposed \$25. She stated if the fee is adopted, there is also the need to amend the Consolidated Fee Schedule to include this amount.

Councilor Gibby suggested a filing fee in the amount of \$35 for Council and \$50 for Mayor; possibly both fees exempt if candidate provides 50 signatures prior to filing. Councilor Jenkins stated she feels the fee should be more in effort to fend off those who are not serious candidates; and suggested doubling the Council (\$50) fee and then doubling again for Mayor (\$100).

Mayor Burrows stated the last two elections have required expenditure of a great deal of money as a City for candidates who have never participated or been serious about the election process. He stated he feels it is different for those who legitimately run a campaign and are not successful. He stated there needs to be something in place and it is unfair to the citizens of Riverdale to have a primary election when there is neither intent nor ability to run a serious campaign. Councilor Griffiths stated regardless of campaign strategy, when a candidate does not make an effort to even vote, there needs to be something to prevent the costs the city incurs because of this same thing.

Mayor Burrows suggested the qualifier of signatures in lieu of fee to illustrate intent. Councilor Haws expressed concern as to raising the fees to \$50 and \$100; stating he feels that to be unreasonable. He stated he would also have concern with obtaining 50 signatures, as that is a hurdle higher than he would like to set just to be able to participate in the democratic process. He stated sometimes democracy is an expensive proposition and he does not think the Council should only consider how much a city has to spend on an election to determine whether or not to allow someone or something on the ballot.

Councilor Haws stated due to significant costs incurred, he was criticized by the former Council when he proposed the referendum that was on the ballot. He stated this is due process, and the opportunity of the people to voice their opinion. He stated he does not feel this right should be squelched because the City has to pay for an election.

Councilor Peterson stated the signature option is a nice recommendation, and if this process turns out to be a problem, the Council can reconsider. He stated regardless, he does not feel many candidates will utilize this option. Discussion followed regarding the proposal to concur with State Code and reflect each person who is unable to pay the filing fee may file a Declaration of Candidacy without payment upon a prima facie showing of impecuniosity as evidenced by an Affidavit filed with the City Recorder.

Ms. Mansell indicated that she feels these signatures in lieu of filing fee as suggested would be different than the process utilized for a Nomination Petition. She clarified that this is a petition signed by at least 25 residents of the municipality who are at least 18 years old, or by a percentage of such residents in effort to nominate a candidate; i.e., not for the candidate to nominate himself or declare candidacy.

Motion: Councilor Peterson moved to amend the proposal to reflect a \$25 election candidate filing fee; and include the option for a petition with at least 50 registered voter signatures in support of the candidate. The motion was seconded by Councilor Gibby.

Roll call vote: Councilor Jenkins, Yes; Councilor Peterson, Yes; Councilor Griffiths, Yes; Councilor Gibby, Yes; and Councilor Haws, No. The motion passed 4-1.

Motion: Councilor Peterson moved to adopt the proposed Ordinance #654 to amend Title 1, Chapter 8, Section 2; and adopting a new Section 3 providing for establishment of an Election Candidate Filing Fee and to amend the proposal to reflect a \$25 election candidate filing fee; and include the option for a petition with at least 50 registered voter signatures in support of the candidate; and providing for inclusion within the Consolidated Fee Schedule as proposed. The motion was seconded by Councilor Gibby.

Roll call vote: Councilor Peterson, Yes; Councilor Griffiths, Yes; Councilor Gibby, Yes; Councilor Haws, Yes; and Councilor Jenkins, Yes. The motion passed unanimously.

Discretionary Business

Cellular Phone Tax Option

Councilor Jenkins explained she had previously discussed the situation with Mr. Brooks wherein Sprint Cellular has been charging the local city option sales tax. She stated the City had the opportunity to request this tax of its residents in June 2004, and refused this option. She stated she has Sprint as her cell phone provider and they have been charging this tax they say is going to Riverdale for 2.5 years; and she would like to know where this money is going. She stated she has personally been paying it since 2002. She stated Mr. Brooks has attempted to make contact and seek response; however, has not been successful.

Councilor Jenkins inquired as to making this public, trying to make Gep Gephardt aware of the situation, etc. Mayor Burrows stated Riverdale has in fact, repealed all available franchise taxes in the past as well. Councilor Peterson stated he would be hesitant to go into the public or media due to the already existing perception that Riverdale is so rich - there are no fees necessary. Councilor Jenkins stated she would like to know why Riverdale residents are being charged, where the money is going, and if other cellular providers are also utilizing this process. Councilor Peterson stated he would suggest contact of Francine Geoni, Division of Consumer Affairs. He stated he would be happy to assist in this endeavor.

Advice & Consent - Planning Commission

Councilor Haws inquired as to the advice and consent role of the City Council, citing the example of the last two Planning Commission member appointments. He stated he would like to see the Council more involved on knowing the applicants and perhaps even having an opportunity to meet and converse.

Mayor Burrows stated he feels this is the Mayor's role and the suggestion is not appropriate. Councilor Haws offered comparison to the process for appointments in the Senate wherein such opportunities are provided. Mayor Burrows stated he had a listing of applicants that he shared with the City Council some time ago. He stated this is the applicant that he prefers and he feels has the necessary expertise. He stated this is the way it has always been done and he would prefer to remain with the procedure that works.

Councilor Jenkins expressed concern that the information presented this evening is the first information she has been given on any candidate. She stated although she is not certain that the interview process with the Council is necessary, she is concerned they were only given names and not any other information. She is concerned about the bulk of new Planning Commissioners that she feels are very behind the curve on understanding where City planning business is at. She stated she would have preferred to see information prior to appointment.

With no further business to come before the Council at this time, Councilor Peterson moved to adjourn the meeting. Councilor Gibby seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:38 p.m.

Attest:

Approved: March 7, 2006

Cindi Mansell, City Recorder

Bruce Burrows, Mayor