

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **March 7, 2006** at 6:00 pm at the Riverdale Civic Center, 4600 South Weber River Drive, Riverdale, Utah

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  
Steve Brooks, City Attorney  
Lynn Moulding  
Jan Ukena, City Planner  
Michelle Douglas, Deputy City Recorder

Nancy Brough Phil Jensen Bo Mann  
Brain B

Mayor Burrows called the meeting to order and welcomed those present; he acknowledged that all Council members were in attendance. Councilor Griffiths offered the Pledge of Allegiance. Mayor Burrows then read a quote from September 25, 1789, regarding the Bill of Rights, which are the original 10 amendments. He noted that the original 10 amendments went through a number of revisions and a lot of the discussion was that a State or Federal government cannot have an established religion. Mayor Burrows' quote was followed by a Moment of Silence.

### **Open Communications**

#### ***Nancy Brough***

Mrs. Brough addressed the Council regarding the items on the agenda. She noted that the rezoning of the 90+ acres and the amendments to the General Plan are concerning information and critical to all of the Council and Mayor; and any subsequent developer's agreement that may occur as a result of the rezoning and amendments to the General Plan.

Mrs. Brough indicated that she provided a list to the Council and the Planning Commission when the Planning Commission conducted their public hearing and the list has not changed. She explained that there are long-range impacts, and she would like to reissue the list again. She indicated she would hope the Council would reconsider those issues. She pointed out the trail, kayak park, etc are amenities to the City and she would hope the City would use a broad range of information in making their determination.

### **Mayor's Report**

Mayor Burrows reported the legislation session is over; however, they may have a special session. He explained for those that may not know there was special language added to Senate Bill 35, which came out of committee around 8:00 p.m. and passed around 9:35 p.m. Mayor Burrows indicated that he wanted to thank Councilor Peterson for his involvement. He noted that the City probably scared

the league a little bit and on the final day, it went back and forth. He went on to say it was not what the City wanted but it turned out better than it could have. Mayor Burrows said all of the cities under the Hold Harmless will benefit from the work Riverdale City did, and we did as well as we could considering the circumstances. In addition, Mayor Burrow added that the Legislature is willing to do a "look back". Again, Mayor Burrows stated he would like to thank Councilor Peterson for all his involvement.

Mayor Burrows indicated he would like to turn the time over to Mr. Hansen to address the Prioritization Survey, which is the follow-up to the Council's strategic planning meeting. Mr. Hansen explained he would like to get the surveys back by next week so they would be able to review the surveys. He pointed out the first page of the survey is the "Capital Improvements Plan". He noted that he would like the Council to priorities the capital projects, etc.

He explained that Mr. Fortie has amended the plan to include consideration of additional items suggested by citizens and those other items that have been identified during their discussions. He pointed out that some of the projects have a \$1 or \$2 amount, which would have been shown as "to be determined" had the software allowed them to use alpha characters.

Mr. Hansen indicated he would like the Council to mark their plan according to their impressions by priority ranking; 1) numbers if they choose (remembering 1 is the highest priority and 5 is the lowest priority), 2) moving a project left/right or up/down on the table; moving it to an earlier or later fiscal year; or 3) eliminate a project in its entirety. If you don't think a project belongs on the list, strike through it.

Mr. Hansen said as they get into the year, they will want to have communications with the community. The last page of the packet is a customer service and planning guidance. He asked the Council to look at those and rank those as well. He indicated when they get those back; they will prepare a summary for guidance for a tentative budget.

Councilor Gibby pointed out under "Water" is to paint Tanks #2 and #3; he suggested that liners were more of a viable option than painting the water tanks. Mr. Hansen indicated the painting of the water tanks is in the current fiscal year; however, if Councilor Gibby would like to write it down as a "5" for a low priority, he may do so.

Councilor Haws clarified as far as 2006, those items are in the current fiscal year budget. Mr. Hansen explained if any of those priorities are "hot buttons", they need to get them prioritized so they can get those items accomplished.

### **Recorder's Report**

Councilor Jenkins referred to the Recorder's Report. She noted the only concern she has, and questioned if it would be appropriate to have a timeframe associated with the name change of the Safety Committee to Risk Management. Mr. Hansen informed the Council they would do that, and they would hope to have that accomplished in six months; however, he hoped to have it accomplished sooner.

## **Consent Items**

### **Approval of Minutes**

Mayor Burrows reported the City Council has before them the minutes of the Strategic Planning Meeting Minutes of February 17-18, 2006; Work Session and Regular Meeting Minutes of February 21, 2006. There were no amendments necessary.

### **Approval of Beer/Liquor Licenses**

There were eight beer/liquor renewal licenses presented to the Council for their approval at this time. The following licenses were presented for renewal: Applebee's, Chili's, Olive Garden, Sam's Club, Sinclair Marketing, Sizzling Platter, dba Ruby River, Target, and Wal-Mart.

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

Mayor Burrows inquired if by consent of the Council, they could change the Council's procedure, if it is not City policy, to not separate beer and liquor licenses from the regular licenses and include renewals back in with the regular processing of the regular licenses. *There appeared to be consensus to add renewal beer and liquor licensing back in with the regular business licensing process if it is City procedure.*

### **Adoption of Resolution No. 6-2006 regarding amendments to Riverdale City's Personnel Policy & Procedure Handbook, Chapter 6, Employee Conduct, Fraternization.**

Ms. Stacey Comeau, Human Resource Manager, informed the Council the policy was recommended to the City as a suggestion from URMMA. She went on to say URMMA did not have any proposed language so she utilized language from Layton City. She explained the intention of the policy is for the protection of the City in cases of "soured romances". In addition, where there are cases when employees supervise significant others, it could be construed that there is favoritism.

Councilor Jenkins referred to Chapter 6, Attachment A, third paragraph from the bottom (first page) "The Department Head shall inform the City Administrator and Human Resources Manager of the existence of the relationship, including the person responsible for the employee's work assignments. Upon being informed or learning of the existence of such a relationship, the City Administrator, in consultation with the Department Head, may take steps that he deems appropriate".

Councilor Jenkins said that speaks to a person specifically. It talks about having a Department Head, a City Administrator, Human Resources Manager and City Attorney; however, when it comes to what speaks to what steps are appropriate, that person falls out. She referred to "deems appropriate", and she expressed it could appear it is not an advisory role. Mayor Burrows expressed he thought there was an advisory role.

Mr. Hansen indicated he would say as a matter of policy, they could be as specific as possible. In addition, with it comes to the City Attorney and Human Resource Manager, ordinarily, when it comes to work assignments and when the City want to make reassignments and with whom an individual works with, that is an administrative function.

Councilor Jenkins clarified if the policy is coming from URMMA, the policy would be coming from the point of a "scorned, lover type of thing".

Councilor Haws indicated his thoughts were along similar lines. He noted he would change "...in consultation with the Department Head, may take steps that he deems appropriate" to "...in consultation with the Department Head, may take steps that ~~he deems~~ are deemed appropriate".

Councilor Haws noted this policy seems to go along with the City's nepotism rule, and in his opinion, this is basically what they are trying to address. He said he wondered how far they should go with this. Furthermore, at the end, relationships are discouraged and how far do they want to go and at what point does a relationship become a de facto marriage.

Ms. Comeau stated said they could look at the nepotism policy and common law marriages, which she believes does not exist in the State of Utah any longer. However, as far as people cohabitating, she questioned what the difference is. Nevertheless, they could look into adding that into the nepotism policy.

Councilor Griffiths noted in regards to nepotism, that would be a choice individuals would make. He pointed out there could be an investigation or even a hearing based on this policy. He questioned if it wasn't the normal procedure that the supervisor would take the initial action then render a decision and then it would go to an appeal process to get some type of clarification. Then, it would go to the next level. Ms. Comeau explained there is an appeal process; then there are some options and a step to build in an appeal process to build clarification.

It was inquired if this type of policy has been challenged. Ms. Comeau informed the Council the only challenge she is aware of has come from California.

Councilor Gibby wondered if they were making this a little too much. He acknowledged there is a problem with nepotism and with relationships with supervisors. However, it seems to him it needs to be an administrative function to be able to change a work assignment if the need arises.

Mayor Burrows noted that he agrees there needs to be clarification or an amendment to Exhibit A to change "... the Department Head, may take steps that he deems appropriate." To "is or are deemed appropriate". He said it take those other possibilities out of there.

Councilor Jenkins said there is some concurrence and disclosure in here; it would be taken back to Human Resource and Legal anyway and she did not think it is tying strings to anyone.

Mayor Burrows recalled that during a previous meeting, Councilor Peterson made a point that prior to making a motion, the Council could deal with everything before the entire thing, which would make the motion clean and clear.

**Motion** Councilor Haws moved to amend Riverdale City's Personnel Policy & Procedure Handbook, Chapter 6, Employee Conduct, Fraternalization that the Council has before them to include *the Human Resources Manager and City Attorney may take steps that are deemed appropriate*. Councilor Jenkins seconded the motion.

**Roll Call Vote:** Councilor Haws, Yes; Councilor Jenkins, Yes; Councilor Peterson, Yes, Councilor Griffiths, Yes; and Councilor Gibby, No. The vote passed four votes in favor to one.

**Motion:** Councilor Gibby moved to adopt Resolution No. 6-2006 adopting amendments to Riverdale City's Personnel Policy & Procedure Handbook. Councilor Peterson seconded the motion.

**Roll Call Vote:** Councilor Jenkins, Yes; Councilor Peterson, Yes; Councilor Griffiths, Yes; Councilor Gibby; and Councilor Haws. The motion passed unanimously.

#### **Follow-up report on the 300 West Construction Project**

Mr. Moulding addressed the Council regarding the 300 West construction project, which just got underway Monday, March 6, 2006. Mr. Moulding reported the project has been underway for approximately two days; tree removal has begun; and the construction company has approximately 1/3 of the milling completed. He noted there were articles in the newsletter and thus far, he has only received two negative phone calls.

Councilor Haws indicated that he e-mailed an article to Mr. Hansen regarding an article in the Standard Examiner, which had the dates wrong for the road closure. It was noted that the individual from the paper did not call the City to verify their information; they went to Washington Terrace about the project.

Councilor Jenkins mentioned she had a resident call her, and she expressed concern about policing in the area and access to them; in addition, she expressed concern about day-to-day business. It was inquired if Mr. Moulding knew anything regarding public safety and routine policing for the east bench. Mr. Moulding indicated that he did not specifically remember anything; however, he would think they would take the longer route to the east bench. Furthermore, the City has an inter-local agreement with Washington Terrace. Mayor Burrow inquired if Washington Terrace would be doing anything in the interim. Mr. Moulding indicated they would not.

Discussion followed regarding the Adam's Avenue Toll Road. Councilor Peterson explained he was asked to check with the owner of the toll road, and he did speak with him and he is interested in working out an agreement. Councilor Peterson noted he would like to work with Staff toward a proposal in working something out.

He inquired if the City has a newsletter that goes out to the City's retailers. Mayor Burrows explained the retailers received the same newsletter the residents receive. Councilor Peterson suggested that maybe the City could work out some type of validation system with the City's retailers. Mayor Burrows suggested if that were the case, the City would want to send out a letter instead of utilizing the newsletter.

Councilor Peterson pointed out it seems to him there are people on the east bench that one: want to come into Riverdale to shop and two: are residents that live on the east bench that have children that need to make the trip down into the main part of Riverdale frequently. Councilor Peterson stated the residents are the people we need to take care of; however, we need to have a proposal for each scenario. Councilor Peterson said the school situation would hopefully only be through the end of the school year. Councilor Peterson noted the City's third concern is the City's emergency

vehicles and well as patrol vehicles. Mayor Burrows explained the City public safety vehicles are not charged to utilize the toll road.

Councilor Peterson explained he made some suggestions to the owner of the toll road; such as, how much a business would be charged to validate for a toll. However, the gentleman does not want to discount his toll rate; he doesn't want to loose any money. Councilor Peterson pointed out at the same time he would be developing habits.

Mayor Burrows suggested that a business could validate a toll if an individual purchased anything over \$10. He questioned if the owner of the toll road was willing to underwrite any amount. Councilor Peterson indicated what he is suggesting to the owner is advertising and the development of habits. Mayor Burrows added that both the retailer and the owner of the toll road could write it off as advertising.

Councilor Peterson noted the owner of the toll road was very open to the idea and he recognizes the opportunity.

Mr. Hansen suggested before they approach any of the City's retailers, they need to have something worked out with the owner of the toll road. Councilor Peterson added he also has some retailers that are interested as well. Mayor Burrows inquired if Councilor Peterson could set up a meeting with the owner of the toll road, Mr. Hansen and himself to discuss the possibility of some options of the toll road.

#### **Review of Draft Development Agreement with Unity Project**

Mr. Randy Daily, Community Development Director, was present at the meeting to discuss the draft development agreement pertaining to the Unity Project. Mr. Daily informed the Council the draft agreement is very preliminary and in some locations it still has some blanks. In his opinion, he believes it would be best for the Council to read the agreement, make their comments, and e-mail their comments back so they could be forwarded to Jody Burnett. He even suggested that each member could make their comments in a separate color so they could indicate this comment came from "Councilor so and so". Mr. Daily stated he believes the document still needs to be fine-tuned.

Councilor Jenkins questioned when Staff thought the first meeting would be set up to discuss the development agreement. Mr. Daily indicated he thought it would be in about a month; perhaps April 18, 2006. He explained between now and then, they would be updating the Council because Unity has a copy of the development agreement as well. It was noted if all comments were sent back in a timely manner, and the Council wanted to move forward in a quicker timeframe, they could bring the agenda item back on April 4, 2006 or as early as March 22, 2006.

Discussion followed regarding the agreement and other items that needed to be addressed prior to approval of the agreement. Council Jenkins pointed out in addition to the development agreement, they have discussed the General Plan, which is separate than the agreement. She state there is a process they would want to follow.

Mr. Daily said he believes the Planning Commission has made their recommendation and they are satisfied as far as that topic. As far as the development agreement; it is a draft, and at this time

he is requesting that the Council get those back to Staff with their comments so they can get them back to the Council. He noted if Staff was to have a week to compile all the comments, they could get the amended agreement back to the Council on March 21, 2006 or April 4, 2006. Mr. Daily added they will hear from Unity, and they are not going to supersede Unity.

Mr. Daily reiterated there are things that need to be fine-tuned. Councilor Jenkins inquired when the blanks would be filled in. Mr. Daily explained they could do it by ordinance or the Council could decide to do it by "Exhibits" for everything, which would outline every aspect.

Mayor Burrows requested a consensus of the Council to determine a timeline to reconsider the Development Agreement with the Unity Project. ***There appeared to be consensus to reconsider the development agreement with the Unity Project on April 4, 2006.***

Mr. Hansen said he did not know if the Council wanted to move forward into a public meeting with a marked up agreement without knowing where Unity was coming from. It was suggested in the mean time, Staff could share comments from the Council with Unity if there is a consensus on particular item where the Council stands.

Councilor Jenkins inquired if the Council would have the opportunity to discuss what was voted on in regards to the proposed zoning for the property. She questioned if Mixed-use would meet the needs of the City and at what point do studies have to be completed to move forward with the proposed project. Mr. Daily indicated that traffic studies have to be completed and there are other things that have to be determined and if they fall short then it's "sorry, we are back to the beginning." Commissioner Jenkins expressed concern that the approval of the zoning for the property could be before the approval for the development agreement.

It was noted that Mayor Burrow, Administration and Staff would have a recommendation as far as the need and timeframe for this issue and get the Council's comments e-mailed back to Mr. Daily.

#### **Changes to Riverdale City's Land Use in the General Plan**

Mr. Ukena addressed the Council regarding the proposed land uses amendments to Riverdale City's General Plan. She inquired based on what has been presented thus far, does the City Council want to proceed with the Charette Process? She said she knows there is more to it; it also includes a timeline for Unity. She advised the Council that Legal Counsel concurs that the zoning should match the General Plan. She recommended that the next stop would be to move forward with whatever process the Mayor/Council deemed appropriate.

At this time, Mayor Burrows asked for a motion to recess the regular City Council meeting in favor of convening the Riverdale City Redevelopment Agency Board Meeting.

**Motion:** Councilor Jenkins moved to recess the regular City Council Meeting in favor of convening the Riverdale City Redevelopment Agency Board Meeting. Councilor Gibby seconded the motion. The motion passed unanimously. The meeting recessed at approximately 7:16 p.m.

The City Council took a break from approximately 8:00 p.m. to 8:11 p.m.

The regular City Council meeting reconvened at approximately 8:11 p.m.

**Changes to Riverdale City's Land Use in the General Plan - Continued**

Mrs. Ukena indicated that Staff has laid out what the Council asked for in regards to the proposed amendments to the City's General Plan. She clarified that the City Council wanted to move forward with the Charette process and a series of public meeting.

Councilor Gibby explained that during the Strategic Planning meeting, they discussed that a lot of the areas do not need a lot of public input; such as, the area on the north end of Parker Drive, which was incorporated into Riverdale City's Corporate limits by means of a boundary adjustment with Ogden City.

**Motion:** Councilor Gibby moved to approve the "North-End of Parker Drive" to be designated as low-density residential, which is already incorporated into the River Glen Subdivision; and to designate the other portion of the land as recreation/open space. Councilor Peterson seconded the motion.

Discussion followed regarding the motion. Councilor Haws inquired if the landowner north of River Glen Subdivision has been notified. Mrs. Ukena explained that personalized notices were not mailed out; however public notices were posted and a notice was advertised in the Standard Examiner. (which are the requirements of State Code).

It was questioned if the property owner (Donald Cummins) chose to come into the City, how Staff would handle such a situation. Mr. Daily explained Staff would deal with the zone and the General Plan together at the same time. It was noted Mr. Cummins property is currently zone manufacturing and came into Riverdale City from Ogden City with that current designation. . Mr. Daily went on to explain the other property owner, which is directly to the north of River Glen, which is zoned A-1, has come into the office and wanted to know if the City had any intentions on purchasing a building lot in River Glen so he could access his property.

**Call the Question:**

The motion passed unanimously.

**Area 8 - 550 West to 300 West**

Councilor Jenkins pointed out there is still a lot of housing in this particular area. She said she would prefer this area to be C-2 instead of straight C-3 commercial. Councilor Gibby indicated they are not zoning the area in question; they are just talking about making amendments to the City's General Plan.

Council Haws questioned as a point of order, is all the Council doing is making amendments to the Land Use Map or would there be amendments in the form of language to the General Plan as well. Mayor Burrows explained they would be making amendments to the language as well. He went on to say right now, they are taking the areas that are easy; and the rest of the areas, they will go back and discuss them.

**Motion:** Councilor Jenkins suggested the City Council take the remainder of the areas, get the details worked out with the issues in a joint meeting with the Planning Commission and have the language worked out as well. Councilor Gibby seconded the motion. The motion passed unanimously.

*There appeared to be consensus that the City Council would conduct a joint meeting with the Planning Commission on April 25, 2006, at 7:30 p.m. to work on the details and issues of the proposed amendments to the City's General Plan.*

#### **Legislative actions relative to recording of public meetings (HB 14 & 16)**

Mayor Burrows informed the Council that he made his thoughts known that he thought until the City gets a new City Recorder, Ms. Douglas has the option of recording the meetings as she has done in the past for her benefit. In addition, Mayor Burrows indicated that he believes the City should move forward the way things have been until they get the language for House Bill 14 and House Bill 16 for the City to be trained. He reiterated he thought the City should leave things as they are until it is required to record their meetings.

Councilor Haws indicated that he has been a proponent to record meetings, and he thinks the recording bill is talking about a "back-up" for the City Recorder. He went on to say his wish is they record the meetings and post the recordings on the City's website so those that cannot attend the meetings can hear what went on in the meetings.

It was questioned when the City would be required to start recording its meetings. Council Haws noted it would be within the May or July implementation date. He indicated that he believes the City should start looking into it now in regards to how the City wants to record the meetings and start the process to get it in place so we can be prepared.

Councilor Peterson said the recording is simple; we simply tap into the sound system and record into the Recorder's computer. He noted it is not a lot of work. He stated that he believes we should implement it immediately. Mr. Hansen indicated there are other technical issues we are not familiar with; putting the recordings on the City's website and if it would be a policy issue; going from a tape to digital is something else. Mr. Hansen informed the Council they would get working on it. He advised the Council they could get with Mr. Fortie and he would know what they would need to obtain.

Councilor Peterson likened a City Council meeting to a committee meeting at the State Legislature. He said it is a smaller group dynamics and listening to it would be very boring. Mayor Burrows added the Council is considered a committee. Councilor Gibby expressed he thought 99 percent of what is recorded would not be listened to; however, 1 percent might get listen to 1,000 times. However, if the City is required to record its meeting, it would be nice to do it in a way that is good.

Councilor Peterson referred to Councilor Haws; He inquired if Councilor Haws records the meetings with his laptop. Councilor Haws indicated that he does. He explained he has a piece of software that records onto a piece of software that cost him approximate \$14 and it is just a sound file. He explained he just plugs it into the sound system file.

Mr. Hansen said he did not think it would be terribly complicated. Mayor Burrows added it is not only us. It is the Staff that is required to do the recordkeeping, and he believes they we need some training.

Councilor Jenkins question if it is fair the City starts recording its meetings but not going into the process full-blown and not putting recordings on the City's website. Councilor Gibby point out is it not required to put the recordings on the website; we just need to do what is required.

Mayor Burrows requested a consensus of the Council for Staff to come to the Council's next meeting with information from Mr. Lynn Fortie on what needs to be done to record the City's public meetings and the cost of such; in addition, posting the recordings on the City's website. ***There appeared to be consensus of the Council for Staff to come to the Council's next regularly scheduled meeting with information pertaining to recording public meetings, the cost of such, and posting said recordings onto the City's website.***

Councilor Haws referred to House Bill 14. He noted during one of the debates the discussion went to:

"clarifies that a premeeting, a workshop, or meeting of the public body with a quorum present meeting in an executive session is an open meeting unless closed in accordance with the act; requires a premeeting, a workshop, or an executive session to be held at the location where the public body regularly conducts its open meetings and provides certain exceptions:"

Councilor Haws stated the sponsor of the Bill said it was the intent of the language "held at the location" to mean it was the same room. Mayor Burrows pointed out the Bill is not written that way. Councilor Haws indicated when asked, he specifically said "same room". He went on to explain the reasoning behind "same room" is because the school board would have their meetings and then have their board meetings in a different room. Mayor Burrows pointed out if the City Council is having work session upstairs and regular meetings downstairs, they are in the same building - they are at the same location. He noted if Councilor Haws wanted to move work session downstairs, that would be fine with him.

Councilor Griffiths pointed out there are dynamics that occur in a workshop setting, and he believes they would lose some of the dynamics if they were to move work session into the Council Chambers; just by the way the room is designed.

Councilor Jenkins added during preplanning work session, they utilize the conference table for maps and other materials and the Council Chambers would not be conducive for that purpose.

Councilor Griffiths said he like the wording "location". Councilor Haws indicated that he understands that and it shocked him when the sponsor said "the same room". Mayor Burrows noted maybe some of the legislators didn't like the idea of "same room" and it didn't pass that way.

#### **Selection process for the appointment of the City Recorder.**

Mayor Burrows explained when Mrs. Brough and he were on the Council, they were informed who the proposed City Recorder was, and they got to vote yes or no. He said in this process, he thinks it should be a little more, where as the City Records works with all of the Council working through Mr. Hansen. Mayor Burrows remarked his recommendation is to go through a screening process, which has already begun because they do not want this belabored.

Councilor Griffiths remarked he believes the process should be little different. He pointed out the City has a Mayor that is elected and the Mayor has "at will employees" and it is at the Mayor's discretion who will perform those tasks and the Council can approve that appointment. He went on to say it is a matter of the Mayor to choose his Staff or "at will appointments". Councilor Griffiths stated it is a standard governmental process and we need to adhere to that.

Councilor Haws referred to a statement Mr. Geilmann made. He said it was in reference to the traditional form of government that Riverdale City follows, which is actually a little bit different from how Council Griffiths said. Councilor Griffiths is looking at the Salt Lake City form of government vs. a Government by Committee - the Mayor is the Chair of the Committee and the five elected Council Members are the governing body. Councilor Haws stated in fact, the City Council does have administrative functions more so than the Mayor-Council form of government.

Councilor Gibby clarified that Mayor Burrows' plan is to screen the applications and bring them back to the Council for comments. Mayor Burrows indicated they would screen the applications down to three and bring those individuals back by resume. He pointed out the City Recorder is not a department head. He went on to say if they are going to be talking about personality type issues, it should be a closed executive session.

Mr. Hansen added part of what they have done in the past is put some type of scorecard together with knowledge, skills and abilities. He went on to say it is also important to do an organizational fit as well as the knowledge, skills and abilities as a part of the interview process. Mr. Hansen said he would not have any problems with a closed executive session; however, they would come with three candidates, resumes, scorecards and a recommendation.

Mayor Burrows reiterated they would screen the applications down to three or have the top candidates come into the Council and the City Council could have a question of their own to ask. Mr. Hansen indicated he was okay with that, it would give the Council an opportunity to see the personality of each individual.

Mayor Burrows pointed out Staff would have to interact with the individual on a day-to-day basis. The Council would only have to interact with the individual twice a month. His recommendation is to be allowed to screen the applications down to five, bring the top three to the Council, and make a decision.

Councilor Jenkins recalled when they hired the City Attorney, they were provided with a packed of resumes. She inquired if they could have the opportunity to see all of the resumes for the City Recorder. It was indicated there were approximately 20 resumes. Mayor Burrows said he did not have a problem with providing the Council with the top five resumes, which in his opinion there are probably only five. He reiterated the City Recorder would not be a department head.

Councilor Gibby stated he felt comfortable with three to five resumes or the top 25 percent; the ones that come to the top of the pile.

Councilor Peterson inquired what they were hung up on: the number of resumes or the process. Councilor Peterson concurred with Councilor Gibby. He noted in his line of work, he is required to review resumes quite a bit and generally, there are about 25 percent of the applicants that rise to the top. Councilor Peterson requested that the Council be able to look at the top 25 percent of the applicants.

Mr. Hansen said he understood what Councilor Peterson was looking at; however, when would he tell individuals they are going to start doing interviews. Councilor Peterson said in his opinion, they could proceed with interviews. He does not want to hinder the process; however, they are impacted by who is hired. He went on to say, it would be nice to be a part of the process and with these general guidelines he is comfortable.

It was noted that Mayor Burrows and Mr. Hansen would be coming back to the Council on March 21, 2006, with the top 25 percent, which realistically would be five individuals. Mayor Burrows said what it boils down to is the Council's advise and consent. He noted the Council could said no on the Mayor's first, second or third recommendation.

**Motion** Councilor Gibby moved to approve the process were by the Mayor and Mr. Hansen would review the candidates for the position of City Recorder, conduct interviews and bring such appropriate candidates before the City Council. Councilor Peterson seconded the motion. The motion passed unanimously.

### **Discretionary Business**

#### **Change of Meeting Date - March 21, 2006**

Councilor Peterson pointed out the political party caucus meetings are being conducted on March 21, 2006, one of which is being held at his home. In addition, the meetings are the same night as the Council's next regularly meeting. He requested that the March 21, 2006, Council and RDA meetings be rescheduled to accommodate the political party caucus meetings.

**Motion** Councilor Peterson moved to reschedule the regularly scheduled City Council and RDA meetings scheduled for Tuesday, March 21, 2006 to Wednesday, March 22, 2006, in favor of the political party caucus meetings being conducted on March 21, 2006. Councilor Gibby seconded the motion. The motion passed unanimously.

#### **Cellular Phone Tax Option**

Councilor Jenkins explained she and Mr. Brooks discussed the situation regarding Sprint Wireless. Mr. Brooks added that Sprint has contacted him twice, and he will get with them on Monday, March 13, 2006. In addition, he has received a letter from Cingular as well. It was suggested that the City should send out a notice in the newsletter to see if other residents are being taxed as well.

Councilor Jenkins noted there is a block on her bill, and it is defined but it does show it as Riverdale City tax. It was noted that on the billing statements, they are only looking for a wireless tax. Mayor Burrows stated the City renounced every local city option sales tax.

Mr. Hansen asked the Council if there are residents that have a provider, which is charging them a local or city tax, does the City want to call attention to the fact we are not assessing the tax and then have to charge it sometime in the future.

Mr. Brooks indicated John Harvey, Sprint Wireless, said wireless service is unregulated and these are not a City issue. Mr. Hansen suggested that they find out and get the information because there is a significant amount of backlog and the City is not getting the money. Mr. Hansen recommended they check with South Ogden and Washington Terrace to find out how they receive their money for local city option sales tax.

**E-mailing City Council Packets**

Mr. Hansen noted he and Ms. Mansell discussed the idea of distributing City Council material by e-mail/attachment. He inquired if that would be a problem for any of the Council Members. Councilor Jenkins explained she would not be able to receive the information. Mr. Hansen inquired if she would be able to if it was on her City e-mail account. Councilor Jenkins indicated she would not. She explained that Ms. Mansell had tried in the past to e-mail the packet in its regular form and condensed and she was not able to receive it.

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Peterson seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:22 p.m.

Attest:

Approved: March 22, 2006

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Michelle Douglas  
Deputy City Recorder

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Bruce Burrows, Mayor