
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **March 20, 2007** at 6:00 pm at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present: Larry Hansen, Chief Administrative Officer; Steve Brooks, City Attorney; Lynn Moulding, Public Works Director; Lynn Fortie, Business Administrator; Doug Illum, Fire Chief; Stacey Comeau, Human Resources; Marilyn Hansen, City Recorder; other city staff and approximately 8 citizens.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all those present.

B. Pledge of Allegiance

Councilor Peterson offered the Pledge of Allegiance. Mayor Burrows read a quote about General George Washington.

C. Moment of Silence

Mayor Burrow's quote was followed by a Moment of Silence.

D. Open Communications

Kelly Stark reported that he built a home in 1999 and is asking for a variance to the fencing ordinance. He reported that his home sits on a corner lot and feels that putting in a fence without the require set-backs would not cause any site triangle or safety issues. He stated that if he followed the current fence ordinance that 1,190 square feet of his property would be lost and the sprinkler system on that portion would have to be re-done. Mayor Burrows explained to Mr. Stark that the Council cannot take any action on an item discussed during Open Communications, but that they can talk it over with staff and get back with him.

E. Presentations and Reports

1. Mayor's Report

Mayor Burrows stated that he received a call from Robert Mellon who expressed his appreciation for the Riverdale Fire Department and their professionalism in helping him fight a fire on his property. Mr. Mellon had a burn permit and was burning his acreage when the fire got away from him. Mayor Burrows reported that Representative Brad Dee had a conflicting appointment and would not be in attendance at tonight's council meeting, but will be in attendance on April 3, 2007.

2. Administrator's Report

Building Inspector, Jeff Woody was recognized for passing his exams to become a certified building inspector for both residential and commercial.

a. Department Information

Larry Hansen discussed the report.

b. Employee Recognition

Larry Hansen recognized the following employees whose anniversary date falls in the month of March.

<u>Employee</u>	<u>Length of Service</u>	<u>Department</u>
Camille Tesch	3 Years	Police
Bren Edwards	2 Years	Public Works

c. Staffing Authorization Plan

Mr. Hansen discussed the report and noted that the city is still operating under authorization.

d. Web update by Chris Stone

Chris Stone reported that he has been working to update the City's web-site with a new look, improved functionality and improved content. He stated that he met with employees from America First Credit Union who design and maintain their web-site in order to get this project started. Mr. Stone gave a demonstration of the new web-site and went over some of the new features which include: a fresh new look using the new Riverdale logo; easier navigation features such as drop down menus and fly out menus; calendar feature on the homepage; instant polls; and a search function. Mr. Stone noted that all forms that the City currently uses should be made available on the website soon, with the ability to fill out the forms and submit them on line, coming in the future. Other future items include; on-line payments for utilities, court fees and licenses and permits, and a blogging feature for the Councilmembers. Mr. Stone indicated that the new homepage should be live by March 31, 2007 with subsequent pages to be updated as time permits.

4. Recorder's Report (Review status of Council requested follow-up items)

None

F. Consent Items

1. Approval of meeting minutes from:

February 24, 2007 Strategic Planning Work Session

March 6, 2007 Council Work Session

March 6, 2007 Regular City Council

2. Report on the Condition of the Treasury for the month ending February 28, 2007.

Lynn Fortie, Business Administrator, discussed the month ending February 28, 2007. He noted that the City received the sales tax revenue for the month of December, 2006 in the amount of \$477,000. He explained that last year the city received \$576,000 for December, which illustrates some of the effect of SB-35.

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

Call the Question

The motion passed unanimously.

G. Action Items

1. Consideration of Resolution 2007-8 adopting changes to the Personnel Policy Manual.

Stacey Comeau reported that the changes to the Personnel Policy Manual include: Chapter 1-1, defining a full time employee as one who works 40 hours a week instead of 30; moving the Employment Reference Policy from Chapter 15 to Chapter 5; and changing Chapter 9-8, Personal Leave Policy, from personal leave to sick leave. Ms. Comeau indicated that Chapter 9-10 Leave Donation also had a reference to personal leave that has been changed to sick leave.

Motion: Councilor Gibby moved to approve Resolution 2007-8 adopting amendments to the Riverdale City Personnel Policies and Procedures Handbook. Councilor Peterson seconded the motion.

Councilor Haws inquired if the change from 30 to 40 hours, in order to be considered a full time employee, affected anyone currently working for the City. Mr. Comeau replied that there is currently one employee who works 35 hours per week, but is grandfathered and would be considered a full time employee. Councilor Haws suggested putting language in Chapter 1-1, noting that anyone hired prior to the passing of Resolution 2007-8, is exempt. Councilor Peterson stated that the language could be changed to add “as of 3-20-07” to the end of the Full-time Employees paragraph. **Mayor Burrows asked for consensus to add the language. Consensus was reached.** Both Mr. Gibby and Mr. Peterson agreed.

Councilor Jenkins inquired why the Employment Reference Policy was being moved from Chapter 15 to Chapter 5. Ms. Comeau replied that they felt that the Employment References Policy didn’t fit as well under the Risk Management chapter, but was a better fit under the Separation chapter as most of the time when an employer calls for a reference, it is for a past employee.

Call the Question

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

2. Consideration of Resolution 2007-9 amending job descriptions.

Stacey Comeau reported that Resolution 2007-9 amends the Fire Chief, Police Chief and Police Administrative Assistant job descriptions as the job duties that these employees currently perform, no longer match the job descriptions since the public safety department was split. Councilor Jenkins inquired if the job descriptions were amended for the people who currently hold the positions and not for the perspective of meeting the needs. She also inquired if the City should keep the job description of Director of Public Safety on the books in case that position is ever needed again. Ms. Comeau replied that the job descriptions were not written to match anyone’s qualifications but to match a police chief or fire chief job description and are pretty generic. She replied that if the Council wanted to keep the Director of Public Safety job description that wouldn’t be a problem but that the job description would need to be revised at that time, if it was ever needed again.

Motion: Councilor Peterson moved to adopt Resolution 2007-9 adopting amendments and additions to Riverdale City job descriptions. Councilor Gibby seconded the motion.

Call the Question

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

3. Consideration of Ordinance #680 adopting Telecom Franchise Fees.

4. Consideration of Ordinance #681 adopting Energy Franchise Fees.

Mayor Burrows explained that Ordinance 680 and 681 will be heard together. He stated that as they go through the budget process and knowing that their funds have been decreased due to SB-35, these two items are ways to implement additional revenues. He noted that even though these two items are in ordinance form, he is not recommending action at this time, but recommending that the Council use them for consideration during the budgeting process. Lynn Fortie reported that in order to implement either of these taxes by July 1, 2007, the ordinances must be passed by April 1, 2007, as 90 days notice must be provided to the entities at the beginning of a calendar quarter. He stated that the figures that he put together reflect the maximum amount eligible for the City to charge which is 4% for the Telecommunication fee and 6% for the Energy Franchise fee. He explained that the money is collected by the State Tax Commission who charges an administrative fee of up to 1 ½ %.

Councilor Peterson reported that out of 280 entities in the state, 145 of those have imposed the Telecom fee and 130 have imposed the Energy fee. In Weber County there are 16 entities and out of those, 12 have imposed the Telecom fee ranging from 2% to 4% with only one charging the 2%. For the Energy fee, Councilor Peterson reported that 9 of the 16 impose that tax with the town of Uintah collecting 5% and everyone else collecting 6%. In Davis County out of 16 entities, 14 collect Telecom fees and 13 collect the Energy fee. Councilor Gibby asked if they begin to charge the fees and other revenue sources became available, can the fees be repealed or reduced. Mr. Fortie replied that it is his understanding that the fees could be reduced or repealed. Councilor Gibby stated that they have a potential revenue source to make up the budget shortfall and is concerned about waiting. Councilor Peterson inquired if there is a collection fee on property tax. Mr. Fortie replied that he didn't recall seeing one. Councilor Gibby stated that the property tax is collected once a year where the franchise fees would be spread out over twelve months and felt that was a lighter burden for the residents to bear. Councilor Jenkins stated that the Telecom franchise fee is convoluted and that it is almost as complicated to not charge it as to charge it. She discussed that this is a levy on the residents and that monthly expenses hit just as much as expenses at the end of the year and that there are sales tax possibilities that may net the city some money as well as the possibility of SB-170 to look at. Mayor Burrows stated that he would like to look at the city sales tax option because that spreads the burden further than just Riverdale residents. Councilor Peterson reported that if you look at property tax levy's across the State, four cities don't have any property tax, but there are a lot more cities that don't have a franchise tax. He stated that Riverdale's property tax levy is low and it is easy for the legislature to say that Riverdale has money. He stated that from a political standpoint the franchise tax is the way to go, but from a benefit to the citizens, the best path for a tax increase, if needed, is a property tax increase. He explained that an even better option would be the local option sales tax, which puts the burden back on those who cause the increase. Councilor Gibby explained that it doesn't have to be an either/or situation but can be a combination. He stated that they could implement the franchise fee of 2% instead of 6%, so that some revenue is generated and if it

becomes necessary to increase the fee it would not be such a shock to do so. Then, he explained, the property tax increase might not need to be quite so substantial and this gives us the ability to tell the legislature that this tax was also implemented. Councilor Haws stated that Riverdale is the only hold harmless city that has not implemented these franchise fees. Councilor Gibby stated that he is in favor implementing an entry level franchise fee for both the Telecom and Energy fees tonight. Mr. Hansen stated that if 2% was implemented, that would generate \$85,000 on Telecom fees and \$104,000 on Energy fees. Mayor Burrows reported that they have three options: 1) hold the ordinances in reserve until the budget session and look at all the different options then; 2) implement all or portion of the Franchise fees now; or 3) make a motion to table this item or reach some kind of consensus.

Councilor Haws stated that he would prefer seeing the budget first to know if any additional money is needed to make up any shortfall. Councilor Jenkins concurred. Councilor Griffiths stated that the numbers speak for themselves and that there will be a deficit. He agrees with Councilor Gibby that they need to proceed and begin charging the Franchise fees. Mr. Hansen stated that looking at a combination scenario to raise revenue is reasonable and part of that could be implementing Franchise fees, increasing property taxes, and updating the Consolidated Fee schedule. He explained that they are also looking at implementing a Cable Franchise fee of up to 6%. Councilor Haws suggested waiting and implement the Franchise fees at a half way point through the year. Councilor Peterson stated that he thinks it is fine to delay implementing the fees for 3-6 months and is not opposed to going with multi-pronged approach. **Mayor Burrows asked for consensus to address the Franchise fee options now. Consensus was not reached. Mayor Burrows asked for consensus to address the Franchise fee option during the budget process. Consensus was reached.**

5. Consideration of pay request No. 1 to Kevin Nelson Construction for completion of the South Trailhead Restroom project in the amount of \$43,537.50.

Lynn Moulding, Public Works Director, stated that this is the first pay request on the South Trailhead Restroom project, which is almost complete. He explained that there is one issue with the floor left to resolve.

Motion: Councilor Gibby moved to approve pay request to Kevin Nelson Construction in the amount of \$53,437.50 for the South Trailhead Restroom Project . Councilor Jenkins seconded the motion.

Call the Question

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

6. Consideration of pay request No. 1 to AAA Excavation Inc. for the Storm Channel Upgrade and Sanitary Sewer Repair Project RIV 399 in the amount of \$40,292.00.

Lynn Moulding, Public Works Director, stated that this pay request is the first one on these two projects. He explained that the sewer repair is complete and the storm drain project is almost done with the exception of the landscape restoration.

Motion: Councilor Gibby moved to approve pay request No. 1 to AAA Excavation Inc. for the Storm Channel Upgrade and Sanitary Sewer Repair Project in the amount of \$40,292.00. Councilor Jenkins seconded the motion.

Call the Question

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

H. Discretionary Items

None

I. Adjournment

With no further business to come before the Council at this time, Councilor Haws moved to adjourn the meeting. Councilor Jenkins seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:42 p.m.

Attest:

Approved: April 3, 2007

Marilyn Hansen, City Recorder

Bruce Burrows, Mayor