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Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **April 18, 2006** at 6:00 pm at the Riverdale Civic Center, 4600 South Weber Drive.

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

Others Present:        Larry Hansen, Chief Administrative Officer; Lynn Moulding, Public Works Director; Randy Daily, Community Development Director; Jan Ukena, City Planner; Stevin Brooks, City Attorney; Marilyn Hansen, City Recorder; other city staff and approximately 20 citizens.

#### **A. Welcome and Roll Call**

Mayor Burrows called the meeting to order and welcomed all those present. He acknowledged that all members of the Council were present except Stacey Haws who will be arriving shortly.

#### **B. Pledge of Allegiance**

#### **C. Moment of Silence**

Councilor Gibby offered the Pledge of Allegiance. Mayor Burrows then read a quote from Justice George Sutherland of the United States Supreme Court referencing a 1931 and 1939 case, United States vs. Macintosh. This case is in regard to a Canadian seeking naturalization. Mayor Burrow's quote was followed by a Moment of Silence.

#### **D. Information Items**

##### **1. Open Communications**

###### **a. Weber Pathway's Presentation to the City – Helene Liebman**

Helene Liebman from Weber Pathway's introduced Rick Fairbanks, Nancy Brough, and Holly Gladwell. Weber Pathway's is a Non profit organization whose mission is to promote, plan and preserve non-motorized public pathways and related open spaces in Weber County. They partner with municipalities within the County to plan for and build trails for hiking, biking, and horseback riding. Ms. Liebman presented a framed map of the pathways in Weber County to the Mayor and City Council. She commended the City for the commitment they have made to trails, both in time and funding. Ms. Liebman requested that the City provide her with the total amount spent for the last five years on trails in the City. She also requested that Weber Pathway's partner with the City to include trails and open space in the master plan and to work with neighboring communities to link our trails to theirs. She indicated they have knowledge in these areas and feel they could make a contribution. Ms.

Liebman then thanked the Junior League of Ogden who helped fund the map framing project. Mayor Burrows indicated that Mr. Hansen would provide the requested information to Ms. Leibman.

Mayor Burrows called for open communications and reminded everyone present that the same opportunity for open communications would also be available in the RDA meeting.

Rob Warren spoke about his concerns of increased traffic in his neighborhood if the proposed Combe Farms PRUD is approved. Mr. Warren distributed a map of the street layout where he lives and explained that the street is narrow with roughly 40 children living it. Mr. Warren felt that if the PRUD is approved, an additional 100 vehicles will be added to the street. If approved, he requested an increase in law enforcement in the area to monitor traffic and vehicle speeds. He also discussed the possibility of a 3 way stop or speed bumps to help slow traffic, but understands that speed bumps could be interfere with snow plows. He asked the Mayor and Council to take into consideration these issues for the safety of the kids.

Merrill Johnson voiced his concerns with the Combe Farm development. He is concerned about a gated community and how it benefits their community as a whole. This is an older area and he doesn't see how a development for older people will benefit our community as a whole. Mr. Johnson would prefer to see younger families move in who could grow and enjoy this wonderful neighborhood.

## **2. Mayor's Report**

Mayor Burrows announced the Joint City Council & Planning Work Session to be held at 7:30 p.m. on April 25, 2006. They will be considering several areas that have been designated as areas under the general plan and what alternatives might need to be looked at. Mayor Burrows pointed out that after that meeting the next step will probably be a town meeting where proposals will be put out for public comment.

Mayor Burrows introduced Marilyn Hansen, who has been appointed and accepted the position to be the new City Recorder.

Mayor Burrows reported that there will be a fundraising spaghetti dinner sponsored by the Lions Club on April 21<sup>st</sup> at the Riverdale Elementary School. Mayor Burrows recognized that Wally Knight, who recently passed away, was one of the founding members of the Lions Club and was one of their main ticket sales representatives.

## **3. City Administrator's Monthly Report**

### **a. Department Information**

Mr. Hansen reported on the fire in the building that occurred on March 22<sup>nd</sup>. He expressed appreciation to the public safety staff on how the fire was handled. He also expressed appreciation to Lynn Fortie, Business Administrator.

Mayor Burrows asked Lynn Moulding, Public Works Director, to give an update on the river flow. Mr. Moulding reported that the river is about the same level as it was on April 28,

2005, when it peaked. He indicated that the river might be slightly higher but doesn't anticipate any problems in the immediate future. If there are going to be some problems, Mr. Moulding feels they could occur mid-May. Mayor Burrows reported that we do have sandbags on standby – some filled and some ready to fill.

Mr. Hansen distributed an update from the Utah State Tax Commission which showed Taxable Sales by Major City.

Mr. Hansen introduced Lynn Fortie. Mr. Fortie gave an overview of the technology and communications systems used by the City. He also gave a brief update of the equipment damaged in the fire. Councilor Peterson asked if backup systems are all on site or is there an off-site backup. He also wanted to know if the city only uses tape to house backups. Mr. Fortie replied that he rotates backups and keeps more off-site back-ups now than before the fire, and that the City currently only uses a tape backup. The backups are currently done on site, as it would be slow to try to do a remote backup. Councilor Jenkins inquired about whether insurance would cover the replacement costs. Mr. Fortie replied that there is a \$2,500 deductible and he is trying to get the final cost for the fire. Currently it is around \$12,000, but that doesn't include Utah Disaster Cleanup. Mr. Fortie feels the final number could be between \$20,000 - \$25,000. Counselor Griffiths asked if the company who manufactured the UPS system that caused the fire had been contacted for reimbursement. Mr. Fortie replied that because the system was old and out of warranty and doesn't have a history of causing fires, they had not been contacted. He indicated that a lab would need to analyze the UPS to determine what went wrong, which would cost quite a bit of money. It is possible that the insurance company may want to investigate that angle to recover some of their cost.

Mr. Hansen presented Mr. Fortie with an On-The-Spot Award for all his extra effort on the fire recovery.

b. Employee Recognition

Mr. Hansen recognized the following employees whose anniversary date falls in April: Paul Flaig, 23 years; Scott Brenkman, 7 years; Cherie Burrows, 7 years; Curtis Jones, 4 years; Brian Seward, 4 years; Skip Smith, 2 years; and Casey Warren, 2 years.

**D. Recorder's Report**

Mayor Burrows dispensed with the Recorder's Report this month due to the transition of City Recorder.

**E. Consent Items**

1. Approval of Minutes

Mayor Burrows reported the City Council has before them the minutes of the Work Session and Regular Meetings of April 4, 2006.

2. Report on Condition of the Treasury as of March 31, 2006

Lynn Fortie distributed the Condition of the Treasury as of March 31, 2006 and gave an overview of the revenue and expenses.

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

## **F. New Action Items**

### **1. Department of Business Administration**

#### **a. Consideration of PEHP Health Insurance Plan continuation and Open Season options for Employees.**

Stacy Comeau gave a recommendation that the Mayor and City Council choose the following PEHP Health Insurance Plans to offer employees for the upcoming fiscal year:

- Preferred Option 2 (250/500 deductible)
- Advantage Option 1 (zero deductible)
- Advantage Option 2 (250/500 deductible)
- Summit Option 1 (zero deductible)
- Summit Option 2 (250/500 deductible)

Ms. Comeau is also recommending raising the dollar amount that employees are allowed to use from \$750 to \$850 per month.

Ms. Comeau indicated that the reason this item is coming before the Mayor and Council prior to the budget hearings is due to the timing of PEHP's open season.

Councilor Jenkins pointed out that this represents a 16% premium increase from FY 05-06 to FY 06-07 and a 13% increase from \$750 to \$850, which based on 54 full time employees, amounts to an additional \$65,000 for the year.

Councilor Haws arrived at 6:43 pm.

Councilor Jenkins inquired if they are looking at a tax increase to pay these additional insurance premiums as we add new employees and are confined to a budget that is not going to grow as expenses increase or is there an economic strategy to cover these plans. Mr. Hansen replied that it is not the intent to lay this burden on the tax payers. Different areas of possible reductions in expenditures are being looked at that should accommodate the additional \$65,000.

**Motion:** Councilor Gibby moved to approve the health options plan as presented. Councilor Griffiths seconded the motion.

Discussion followed the motion. Councilor Peterson said he knows that the Human Resources department does a salary comparison and inquired if the Utah League of Cities has a comparison of health costs and what employees pay. Ms. Comeau explained that they do offer this type of information and what we are offering is very similar. She indicated that most employees choose the Advantage Option 2. Councilor Peterson asked what happens to the money if the insurance premium is less than the \$850 allowed per employee. Ms. Comeau explained that the difference goes into a flex spending account

for the employee to use for non-covered medical expenses, such as co-pays. If the employee does not use all the money in their account, it is returned to the City. Councilor Jenkins asked how much money rolled back to the City. Ms. Comeau reported that in 2004, approximately \$3,300 was returned to the general fund.

### **Call the Question**

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

## 2. Department of Legal Services

### **a. Consideration of proposed property purchase by Mr. Kent Eskelson.**

Steve Brooks, City Attorney, indicated that this item is a continuation from the meeting two weeks ago when Mr. Eskelson couldn't attend. Mr. Brooks has spoken with the former city attorney who was almost certain there were never any promises from the city in land acquisition or land sales as the city didn't get that far in the process.

Kent Eskelson explained that this request goes back over two years ago when he made it known that he wanted to purchase the 50 feet. He was told it was a "done deal" with the railroad property. Mayor Burrows pointed out that this isn't railroad property but a separate piece of property on the south side of Mr. Eskelson's home. The 50 feet would be adjacent to his home and run as deep as the railroad property. Mr. Hansen explained that the State had to give their approval for the sale of this property and that the proceeds must be reinvested in improvements of the remaining property. These improvements could include a fence or restroom facility in the parking lot. Councilor Jenkins asked if we want to sell off property that was purchased for the right-of-way for the trail for private use. Mr. Hansen replied that Mr. Eskelson is entitled to make this request to purchase the property as it is open space and bought in conjunction with the trails. He stated that staff is looking for direction as to whether to engage the appropriate public process with regard to that 50 feet section. Mayor Burrows discussed that this piece of property would need to be surplus, which is a fairly lengthy process. Mr. Daily indicated that this piece of property was in the flood plain and that it had been surveyed. Councilor Jenkins expressed concern that other residents in the area might want to purchase additional land, but that it might not be an equitable situation. Councilor Peterson wanted to know if the parking lot would survive the detention pond if we agree to sell the land. Mr. Moulding replied that won't be known until UDOT finishes the design of Riverdale road but he doesn't think the detention pond will come that far north. Councilor Gibby felt this was a win-win situation, if the City doesn't have another use for the land and it would be beneficial to have the funds help defray costs to the area.

**Motion:** Councilor Gibby moved to proceed with whatever procedures and legal maneuverings to assess the validity and make this exchange. Councilor Peterson seconded the motion.

Discussion followed the motion. Councilor Jenkins inquired if this sale took place, would Mr. Eskelson still be interested in the purchase if he can't build on it because it is in the flood zone. Mr. Eskelson replied that he wasn't aware the property was in the flood zone. Councilor Peterson asked if after the property is surplus, if there was

another public process. Mr. Hansen replied that there would be another public process that the City will have to follow carefully. Councilor Peterson wanted to ensure that the Council and Mr. Eskelson understand what those steps are. Mr. Hansen indicated that those steps would be brought to the Mayor and City Council.

### **Call the Question**

The motion passed unanimously.

### **b. Consideration of Proposed Ordinance, adopting a new Chapter under Title 6, Motor Vehicles and Traffic, pertaining to “Children left in Vehicles Unattended”**

City Attorney Steve Brooks indicated that he placed an updated Ordinance before the Mayor and Council. Some grammatical errors were corrected and the phrase impaired persons was added. Mr. Brooks noted that this ordinance was a result of a request from our police department. It will give the officers the authority to act in good faith to ensure the safety and well-being of those left unattended in a vehicle. A discussion was held as to what the definition of an impaired person is. Mr. Brooks indicated that impaired person meant an individual who is unable to exit the vehicle on their own in the event of an emergency. A partial definition is included in the ordinance 6-5-1 as “...a person who is mentally or physically impaired and incapable of caring for him/herself...”.

**Motion:** Councilor Gibby moved to approve AN ORDINANCE OF RIVERDALE CITY ADOPTING A NEW CHAPTER UNDER TITLE 6, MOTOR VEHICLES AND TRAFFIC, CHAPTER 5, LEAVING A CHILD OR OTHER IMPAIRED PERSON UNATTENDED IN A MOTOR VEHICLE TO ENACT REGULATIONS DESIGNED TO PROTECT CHILDREN AND OTHER IMPAIRED PERSONS FROM BEING LEFT ALONE IN A MOTOR VEHICLE, PROVIDING DEFINITIONS, PENALTIES, AND AN EFFECTIVE DATE. Councilor Jenkins seconded the motion.

### **Call the Question**

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

## 3. Department of Community Development

### **a. Consideration of Public Meeting to review the application for a Planned Residential Unit Development (PRUD), the Pines at Combe Farm, located at approximately 575 West 5400 South.**

Mayor Burrows pointed out that this item is for approval of the PRUD application only. Jan Ukena, City Planner, displayed a map of the site. She reported that the Planning Commission has made a recommendation to approve the PRUD with conditions. A discussion was held regarding the geotechnical report’s findings which stated “due to the instability of the native slope along the western edge of this site, we recommend that all footings be located at least 125 horizontal feet from the face of the slope.” Councilor Haws inquired if that applied to the road as well. Ms. Ukena replied that the engineering firm would need to make that determination. Councilor Haws requested that the Council make it a condition of approval that the geotechnical engineers specify whether or not it is acceptable to put a road closer than 125 horizontal feet from the face of the slope. A

discussion was held regarding the Home Owner's Association's responsibilities and their CC&R's, as well as traffic impacts.

**Motion:** Councilor Gibby moved to approve the application for a Planned Residential Unit Development (PRUD), the Pines at Combe Farm, located at approximately 575 West 5400 South, including all conditions imposed by the Planning Commission and those mentioned tonight. Councilor Griffiths seconded the motion.

Discussion followed the motion as to whether the HOA could change their CC&R's once they are adopted. City Attorney Steve Brooks, indicated that CC&R's generally have flexibility so they can be changed. Ms. Ukena stated that the HOA will be required to notify Riverdale City of any changes that they make to their CC&R's. Their CC&R's will be going to the Planning Commission on April 25<sup>th</sup>.

**Call the Question**

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

**b. Consideration of Public Meeting and consideration of proposed Ordinance providing for proposed amendments to §10-13G, Mixed-Use Zone; §10-10A, Commercial Zone and §10-11A, Manufacturing Zone; and §10-16-7, Off-Premise Signs.**

Jan Ukena, City Planner, explained that these amendments are for clarification to the affected sections. §10-13G, Mixed-Use Zone was broken into Commercial and Residential and a list of approved uses were added. Language was also added requiring all uses in a Mixed Use Zone to be reviewed or considered by the Planning Commission. Councilor Gibby was concerned that a petitioner may request a use that is not on the list. Ms. Ukena indicated that the ordinance would have to be amended to include a new use, but that most uses are similar to an existing one and could be placed in that category. Councilor Gibby requested that the sentence "Possible potential uses would include: "be added to the end of the paragraph of §10-13G-4.a

**Motion:** Councilor Gibby moved to approve §10-13G-4 as amended. Councilor Peterson seconded the motion.

**Call the Question**

The motion passed unanimously.

A discussion followed regarding Mixed Use Ordinances in other municipalities and how Riverdale's ordinance compares to others in the state. Ms. Ukena reported that our ordinance is very comparable. She had looked at other municipalities and taken the things that work best and meshed them together into a working ordinance.

Ms. Ukena discussed the intent of the clarification in §10-16-7 Off-Premise Signs, is to only allow off-premise signs along I-15 and not allow replacement of current off-premise signs.

Ms. Ukena discussed §10-10A Commercial Zones and §10-11-A, Manufacturing Zone changes. Wording was added to the Commercial Zone section referring to Chapter 25. In the Manufacturing Zone ordinance any reference to housing has been deleted with the exception of hotel, lodging house and motel. She also noted that outdated uses were deleted.

**Motion:** Councilor Gibby moved to approve An Ordinance Amending Riverdale Municipal Ordinance Code (2002), Title 10, Chapter 10, Article A, Commercial Zones; Chapter 11, Article A, Manufacturing Zones; Chapter 13, Article G, Mixed Use Zone; And Chapter 16-7, Off-Premises Signs as amended. Councilor Jenkins seconded the motion.

**Call the Question**

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

4. Department of Public Works

**a. Consideration of recommendation to enter into Negotiations for Engineering Services.**

Lynn Moulding, Public Works Director, stated that a RFP for Engineering Services was sent out and the City received six proposals and one letter from a company that declined to submit. The RFP's were reviewed by a panel consisting of City Attorney, Stevin Brooks; Community Services Director, Lynn Daily; City Administrator, Larry Hansen; and Public Works Administrator, Lynn Moulding. Each panelist independently ranked the submittals and then met as a group, where their results were compared. The submittals were scored on the areas outlined in the RFP such as: Firm Qualifications, Project Team, Management Team, Key Staff, Cost Schedule and References. Mr. Moulding reported that Civil Engineering Consultants scored the highest and recommends that the council award them the contract.

**Motion:** Councilor Gibby moved to award the contract for city engineering consulting to Civil Engineering Consultants. Councilor Peterson seconded the motion.

**Call the Question**

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

Mayor Burrows indicated a recess should be taken from the regular City Council meeting to convene the RDA meeting.

Motion: Councilor Haws moved to recess in favor of an RDA meeting. Councilor Peterson seconded the motion.

**Call the Question**

The motion passed unanimously.

The City Council meeting recessed at 8:14 to the RDA meeting.

Mayor Burrows reconvened the City Council Meeting at 9:46 p.m.

5. Mayor

**a. Consideration of appointment of the members of the Community Center Steering Committee.**

Mayor Burrows and the Council discussed that the makeup of the Community Center Steering Committee would include, two Councilmembers, Mayor, two Youth Council Leadership, Program Director of Adults, Program Director of Sports, Program Director of Start Smart, Community Center Coordinator, and Department Head Lynn Fortie.

Mayor Burrows discussed that the Council needs to decide which community members will be recommended to serve on this committee and asked each Councilmember to submit the names of their nominees.

Mayor Burrows submitted Lisa Hancock and John West, Junior. Councilor Gibby submitted Peggy Reimschuessel and Wayne or Janet Chambers. Councilor Jenkins submitted Heather Jensen, Tammy Chugg, and Sherry and Mike Argyle. Councilor Haws submitted Danette Maisey. Councilor Griffiths submitted Brian Durbano.

Councilor Jenkins wanted to ensure that there was representation for the east bench on the Community Center Steering Committee. There was consensus from the Council to add a representative to the committee from the east bench area.

Motion: Councilor Haws moved to approve the twenty members as listed. Councilor Peterson seconded the motion.

**Call the Question**

The motion passed unanimously.

It was determined that the first meeting of the Community Center Steering Committee would be held on April 27<sup>th</sup> at 6:30 p.m. at the community center.

**G. Discretionary Business**

1. Councilor Jenkins reported that there was a small amount of money left over from the Civic Center remodel. She is requesting that the city purchase a leather couch from Sam's Club for around \$600.

**Motion:** Councilor Peterson moved to purchase the leather couch at Sam's Club. Councilor Haws seconded the motion.

**Call the Question**

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

2. Councilor Peterson expressed his appreciation for the comments in newsletter on the State Legislature. He noted that there was one person who made the biggest difference in the Legislature and that was the Speaker of the House. Councilor Peterson suggested that a letter of thanks from the City Council or City be sent to the Speaker, expressing our gratitude for his support. There was consensus from the Council to send the letter. Councilor Peterson said he would draft the letter and bring it to the next meeting.

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 10:02 p.m.

Attest:

Approved: May 2 2006

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Marilyn Hansen, City Recorder

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Bruce Burrows, Mayor