

---

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **September 5, 2006** 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  
                           Shelly Jenkins, Councilor  
                           Gary Griffiths, Councilor  
                           Doug Peterson, Councilor

Others Present:     Larry Hansen, Chief Administrative Officer; Steve Brooks, City Attorney; Randy Daily, Community Development Director; Lynn Moulding, Public Works Director; Police Chief, Dave Hansen; Marilyn Hansen, City Recorder; other city staff and approximately 24 citizens.

**A. Welcome & Roll Call**

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

**B. Pledge of Allegiance**

Councilor Griffiths offered the Pledge of Allegiance. Mayor Burrows gave a quote from John Adams.

**C. Moment of Silence**

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

**D. Information Items**

1. **Open Communications**

**a. Presentation of awards by the Police Department to Crossing Guard Robert Sopher and Neighborhood Watch Area Block Captain Cherie Crezee.**

Police Chief, Dave Hansen, presented Neighborhood Watch Area Block Captain Cherie Crezee with a plaque and thanked her for her efforts to organize the neighborhood program and block parties. Chief Hansen noted that that Robert Sopher was unable to be in attendance tonight. Mr. Sopher has been a crossing guard for the past eight years. Detective Fuchs thanked Ms. Crezee and reported that she was instrumental in opening her house for this program to help prevent crime.

**b. Presentation by M. Gary Hadfield regarding "The Greatest Generation" Museum.**

Mr. Hadfield reported that he wants to establish a new museum next to the existing Roy Museum to honor the service men and women who grew up in the depression and to document their stories. He noted that students from Weber State University will document their stories. The museum will consist of a depression era home with a second wing that was added on during World War II. The museum will house the exhibit space, meeting rooms, gift shops and rest rooms. He noted that there will be exhibits around the outside of the house and monuments, as

well as a list of names of those who supported the war effort. Mr. Hadfield outlined their activities and stated that the total estimated cost of the project is \$555,000. He stated that the Roy Aerospace Museum director estimates that the first year tourist revenues will pay for the museum. He reported that the Fort Douglas Museum director will provide them with the needed artifacts and they have a list of consultants willing to help with the project. Mr. Hadfield asked if the Riverdale City Council could provide them with an interest free loan to get it up and working and then they can pay it back as fundraising goes on. He explained that there is an emergent need to get the house moved from Clearfield to the museum property because the property it is currently on, can no longer hold it. Mayor Burrows stated that they appreciate the information, but that this was not a budgeted item and they would need to see if there was money available and how much. He asked Mr. Hadfield how much money he was thinking of for the interest free loan. Mr. Hadfield replied that he was hoping to receive the loan for \$500,000, as the house is donated, which would allow them to begin operations. He noted that he is also attending the City Council meeting in Roy later this evening and will be asking them for their support as well. He also stated that he has met with the Weber County Commissioners and is also looking at RAMP funding. He explained that they could pay Riverdale back from RAMP funds and other donors. Councilor Jenkins asked if \$500,000 was not within the realm of possibility if there was an amount that could work. Mr. Hadfield replied that they need \$55,000 to put up a barebones foundation so the house can be moved upon it. If the utilities charge them, then it will cost \$3,000 more. \$200,000 would finish the building off and would be an ideal situation and they could start working on the exhibits. Councilor Peterson commended Mr. Hadfield for what he is doing and that it would be a nice benefit for the area. He asked why he chose Riverdale to place the museum. Mr. Hadfield replied that Layton has its own museum and Clearfield wasn't interested. He stated that he would love to give the museum back to Riverdale so that they own it once it is up and running.

Cherrie Herrick invited everyone to attend the ground breaking for the Alpine Community Church on Sunday evening at 6 p.m.

Dean Magnesen from Sound Warehouse spoke. He stated that because they are one of the subjects of the Executive Session tonight, he wants to discuss what has transpired. He complimented Larry Hansen, Randy Daily and Steve Brooks for their dealings on the Sound Warehouse issue. He reported that two things came out of their meeting last Wednesday. One was that he would have until April to find another location and the other was the offer by Riverdale City to purchase the property and settle. He stated that he is currently working on finding a satisfactory location to move to. Mr. Magnesen stated that they feel the second appraisal value is much more accurate and that there should be monies available to help him move the business. He reported that he submitted a letter to Mr. Hansen today outlining their desires. He feels they are \$275,000 off, the main part the difference being the appraisal on the property. He reported that he has obtained an appraisal for \$1,275,000 for the property and that the City offered \$1,100,000 to settle. He explained they feel that their appraisal is the most fair of the two, as they feel there are flaws in the first appraisal and they didn't list any Riverdale Road location as comparables. Mr. Magnesen reported that they intend to stay in business on Riverdale Road. He noted that they were unable to find a long term renter for one-half of the bldg because the future of the building is in doubt. He stated that they will also incur costs of commission when purchasing a new building and closing costs associated with purchasing a new property. He stated that he hopes they can come to an agreement on the asking price.

2. Mayor's Report

Mayor Burrows asked Councilor Jenkins to give an update on the Hometown Heroes Banquet. Councilor Jenkins reported that this has been a collaborative effort between Weber and Davis Counties to honor their military heroes and a banquet will be held on September 7, 2006. She explained that this project started with nomination forms being placed in businesses asking people to fill out a bio of their hometown heroes. There were over 100 nominees submitted and each Mayor was asked to go over the submissions for their City and select one Hero. She reported that there will be a full military presentation and the Governor will be in attendance at the banquet.

Mayor Burrows announced that there will be a ribbon cutting ceremony for the new Macy's store (formerly Meier and Frank) this Saturday at 9:00 a.m.

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

There were no comments on the Recorder's Report

E. Consent Items

1. **Consideration of meeting minutes from:  
August 15, 2006 Council Work Session  
August 15, 2006 Regular City Council**

**Motion:** Councilor Gibby moved to approve the consent items as presented. Councilor Jenkins seconded the motion.

**Call the Question**

The motion passed unanimously.

F. New Action Items

1. Department of Business Administration

a. **Consideration of approval of bids for Surplus Property.**

Larry Hansen stated that Lynn Fortie is on leave and he will present the information on the surplus property bids. He noted that item two has been withdrawn, as it will be retained by the Fire Department. He reminded the Council that they have the ability to reject all bids or accept any bid that they think is fair to the City. Mr. Hansen stated that they have received a request by the Senior organization to use the 15 passenger van and that the bids have come in lower than the excellent condition that this van is in. He explained that in the past, this van has been made available to the Community Services Department for special use and they have used it mainly for Youth City Council activities. The Senior organization would like the City to donate the van to them and use it to drive people around. He stated that the van would need to be retrofitted with a lift and he is not sure that a 15 passenger van would work for them. He reported that the high bid received on the van was \$10,003.

Mr. Hansen noted that Item 8 is the 1979 Mack Fire Engine and although it has low mileage as they don't get a lot of road miles, it does have a lot of training hours on it. The high bid received was \$4,150.00 on this item. He reported that an auction house has estimated that the value could go up if we sent it to auction and TNT Auctions wants to take all of the vehicles and sell them. They will take a 10% commission and they feel they could get more money for the vehicles. Mr. Hansen stated that he is fairly comfortable accepting the high bids on items 3-7. He reported that the cubicle furniture and the Fire Truck have been requested by Uintah Town. Mr. Hansen

explained that in years gone by, we have shown our surplus list to them and given them various items that were not needed by our departments. He stated that he is not opposed to giving them the fire truck as they have a volunteer Fire Department that could use it. He noted that Items 11 and 12 each received bids of \$27.77. Mr. Moulding reported that the fertilizer spreader could have more value but the snow blower is specialized and may not get more than \$27.77. Police Chief, Dave Hansen stated that he is favorable to selling Item 13, Cage for inside Police vehicle, as they are specific to the make of the car.

Councilor Jenkins asked if the 15 passenger van is to be used for the people who live in the apartments and not for the Senior organization's use. She asked if it is possible to sell it to the facility for their needs to try to get a better price than the \$10,000. Mr. Hansen replied that they are talking about two different issues - use of residents and use of senior programs. He stated that there are physical limitations of the van and that the Board mentioned that they would probably want to provide a driver. He noted that the City has had the van for five years and that the van has had very limited use and has low mileage. Councilor Griffiths asked if we would consider using E-bay to sell these items. Mr. Hansen explained that they would use that as an alternative if this is rejected tonight. Councilor Haws asked if the van was offered to the seniors for their use at one time and they said it wasn't a good fit because they couldn't get in and out. Mr. Hansen replied that was true, they had offered it to Community Services for the use of the seniors before we built the facility, but now as an independent entity, they will insure it and make productive use out of it. Councilor Gibby asked how they are going to fund the retrofitting of the van what the level of use might be. He doesn't have a problem with donating it, but what if, in six months, they feel the van isn't working for them and they turn around and sell it. Mr. Hansen stated that we could inform Community Services that the van is for the use of the Senior organization and not transfer title. Councilor Gibby stated that he is in favor of having them use it on a trial basis and if they find they are using it a lot and it is helping their program, then we can look at gifting it to their organization, otherwise he would like to see the City get the money out of it. Mayor Burrows stated that this was an Olympic van and it was purchased for a good price and thought it could be of good general use for the City. It was offered to the Community Services Department for the seniors to allow them to pick up residents on the South side of the City. He reported that they did reject it because of access in and out of the van. They did talk to some companies who retrofit vans and they said it is cheaper to start out with a new van. Councilor Peterson stated that he supports what Councilor Gibby suggested regarding giving them the opportunity to use it and see if it meets their needs. Mr. Hansen noted that Item 2 has been removed and that they could reject bids on Item 1, 15 passenger van; Items 8 and 10, Fire Truck and cubicle furniture, if they decide to donate it to Uintah town; and Item 11, fertilizer spreader and accept the bids on the other.

**Motion:** Councilor Gibby moved to accept bids on all surplus items except Items 1, 8, 10 and 11. Councilor Peterson seconded the motion.

Councilor Jenkins asked if it was another municipality that bid on the Fire Truck. Mr. Hansen replied that he thinks it was a dealer as the same individual was the high bid for all the Crown Victoria's, the van, and the fire truck. Mr. Hansen stated that they need direction on the 15 passenger van and the items to be surplus to Uintah Town.

**Motion:** Councilor Gibby amended his motion to direct staff to work with Seniors program on Item 1 to determine if it meets their needs and evaluate that to see if the vehicle should be retained, donated to them, or be placed up for sale. Items 8 and 10 to be gifted to Uintah Township and Item 11 to be withdrawn. Councilor Peterson agreed.

**Call the Question**

The motion passed unanimously.

2. Department of Public Works

**a. Consideration of Alpine Church Storm Water and Easement Request.**

Lynn Moulding, Public Works Director, stated that there was a storm sewer that ran partially across the property owned by the Anderson family and no easement was recorded for that storm drain. He stated that later on, when the Cinedome Theaters were built, the sewer comes out to a manhole and runs down and back into the subdivision and no easement was recorded for that either. He reported that with the construction of the church, a new storm drain line would need to be put in to handle runoff from the Cinedome and an easement is needed for the pipe. The proposal from Alpine Church is to donate some property to the City in exchange for those easements. Dan Cook, architect for Alpine Church stated that their proposal is to donate the land adjacent to the park on the hillside, and give the easements to the City for the storm drains and sewer, in exchange for the City paying for the cost of the storm line that goes across the southern boundary of the property. Mr. Moulding recommended that the City allow the church's contractor to install that pipe, which would be less expensive and it wouldn't require a bid. He explained that the open drainage running down the hill to the park would need to be piped, but as we are tight in that budget it could actually be piped next year or in a future year. He stated that the sooner the better to stop the erosion and take care of that portion of the storm drain. Councilor Jenkins asked if we have assessed the value of the gifted property and what the square footage is. Mr. Moulding stated to his knowledge, the value has not been assessed and the square footage is less than one acre. Councilor Gibby stated that the main value of the property is to protect the hillside and the view of the trees for the park. He is bothered by the fact that the easements were not originally put in to facilitate City developments, but private developments and that the burden falls back on us. Councilor Jenkins stated that she is inclined to be in favor of this as there is a win for the City to protect the area of the park.

**Motion:** Councilor Gibby moved to approve the City's participation in the storm line construction, not to exceed \$20,000, in exchange for the easements and gifting of the acreage of the land described. Councilor Jenkins seconded the motion.

Mr. Moulding asked if the motion should also address the additional storm drainage to go over the hill and see how to fund that. Mayor Burrows stated that should be in a separate motion.

Councilor Jenkins asked if this project does come in under the \$20,000, are you going to look at doing the entire project and if so, what is the amount to do both right now. Mr. Moulding stated that the problem lies with the cost of the pipe and having it shipped in. He stated that right now there is very little pipe the size we need, in the area. He is trying to defer the cost and wait to see if we can piggyback an order with someone else and not pay the entire shipping cost. Councilor Gibby asked if it was critical to do it now. Mr. Moulding explained that there is no big rush, as it has been that way for a number of years. He stated that it is a nuisance for the park but it is not

essential. Mr. Hansen stated that there are existing balances in the Storm Water Fund to handle this project. Mr. Moulding noted that they are getting short in their fund because of other projects and asked if the Water Enterprise Fund lend money to the Storm Water Fund. He stated that he would like to attempt to do it this year, but it can be put off until next year. Mayor Burrows recommended acting on this and giving Mr. Moulding the latitude to bring this item back when a plan is made.

### **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.

#### **b. Consideration of Engineered Wetland located between 4000 and 4200 South in the Woods.**

Mr. Moulding reported we would like to filter our storm water through an engineered wetland and that he has been working with the Army Corps of Engineers to see what they will approve and what direction they will give us. He stated that we received approval to build this wetland off of 4200 South down by the river. He reported that there is a 30" storm drain from Parker Drive that discharges into the river. Part of our proposal to the Corps, was to intercept the storm water and put in a diversion structure to discharge the nuisance water into a basin to the north. Mr. Moulding stated that if this project works out how we want, then we will do more piping and get the water moving through the pond and discharging into the river. He noted that this may not work out, as the soils may drain the water into the subsurface and go into the Weber River, or over time, it may silt up and continue north. Mr. Moulding reported that the Army Corps of Engineers recommend that we start this project before next March, as they will be reviewing their rules and regulations, but as long as we are in progress any new rules won't apply to us. He stated that as this isn't a budgeted item, he would like to get started by building a diversion structure and the channel work to see how far we get with a minimal amount of expense. Councilor Haws stated that the letter indicates that we only need to either begin construction or be under contract to begin construction before the permit is modified, reissued or revoked and that we really don't have to do it now. Mr. Moulding explained that this is a project that we want to do ourselves. He noted that we would hire someone to do the diversion structure, but as far as the trenching, we want to do that ourselves so that we have control. Councilor Haws stated that if we put out a contract to have the diversion structure done and want that to begin in July of next year, we could put it into the next budget year and the rest of the project, even though doing it ourselves, would be within the permit. Mr. Moulding replied that he was correct. Councilor Gibby asked what the cost of the diversionary structure would be. Mr. Moulding indicated that it would be less than \$10,000 and that there is enough in the Enterprise Fund to do this project.

**Motion:** Councilor Gibby moved to approve commencement of this project and recommend that the diversionary dam be scoped out for bid and if feasible have that bid and done, and have the City construct the remaining as time and funds permit. Councilor Jenkins seconded the motion.

Councilor Griffith asked if is this would be bio retention. Mr. Moulding replied that it could be either retention or partially detention. Mr. Hansen recommended that a not to exceed amount of \$10,000 be put in the motion.

**Motion:** Councilor Gibby moved to put a not to exceed amount of \$10,000. Councilor Jenkins agreed.

### **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.

#### **c. Update on Well #2.**

Lynn Moulding reported that he sees five options for well #2. 1) Doing nothing and use it for water rights. 2) Drill deeper and hope to hit good water. 3) Put a horizontal filter on and filter out the Iron and Manganese. 4) Drill a replacement well at the golf course. 5) Buy more Weber Basin water, although the more water that the cities need and contract for, the more Weber Basin needs to contract and find water for. Councilor Gibby stated that drilling a deeper well seems to be hazardous as we may have the same problem. He feels that going to the golf course seems more likely, as you may be on the same aquifer. Councilor Jenkins stated that if we installed a filter, we are looking at a possibility of paying \$525,000, plus \$10,000 to operate it. She asked what is the volume of water you would expect from a well on the golf course. Mr. Moulding replied that you can never know. He discussed that there was a city who had an existing well that was pumping ok, they drilled a bigger one within 100 feet of the existing well and got absolutely nothing. He noted that there are no guarantees. Councilor Jenkins asked him what his gut feeling was. Mr. Moulding stated that he personally doesn't like the horizontal filter. There can be problems with the filter and we would have to have hire someone who is trained as a Certified Treatment Operator. Councilor Haws asked if we do the filter, would we still be able to replace the well at the golf course at a later date. Mr. Moulding replied yes. Councilor Griffiths asked if there are any municipalities that filter their Iron and Manganese. Mr. Moulding indicated that Spanish Fork City does but that they also have some springs and built a secondary water system and used this particular well as secondary water and not drinking water. Councilor Gibby stated that he really thinks we ought to see what the golf course says and have someone see what the chances of success are at that location. Mr. Moulding reported that Hill Air Force Base did a study some years ago and no one has really looked at the wells north and west of our well. He would like to spend some time looking at that as he feels that there is value in this. Mr. Moulding stated that he is inclined to drill the well deeper as the H.A.F.B. study says that the deep wells didn't have Iron and Manganese. He stated that drilling deeper or using the golf course well are both risky.

### **3. Department of Community Development**

#### **a. Update on Combe PRUD and Washington Terrace City Issues.**

Randy Daily stated that they have been in continuous dialog with Mr. Frost and his frustration about the timeline and dead ends. Mr. Daily stated that Mr. Frost now owns the property and has closed on it. He reported that the biggest issue is that Mr. Frost can't get Unity to agree to any kind of easement through their property, although Rick Thomas, from Unity, has guaranteed that he would get a proposal to have them sign. Mr. Daily explained that Mr. Frost really doesn't have to go to Unity for permission as long as he is handling the historical storm water based on handling the water in Riverdale. The problem is that Washington Terrace wants to join with us. Mr. Frost has given Washington Terrace \$10,000 to study the water issue, but the best way to handle the water is to have him pipe it from our side and not rely on Washington Terrace. Lynn Moulding reported that he did talk to Mr. Frost and he is frustrated that we couldn't get Unity to the table, but it has never been our charge to solve a Developer's problems. He explained that there isn't much more that we can do to resolve the storm water issue. Mayor Burrows agreed.

He stated that the letter from Washington Terrace addresses a number of historical agreements that were not consummated into document form and a number of those are being addressed here. Councilor Jenkins asked if the Combe's still own the hillside property as she would hate to see the Combe's liable for the water runoff issue. Mr. Daily stated that he is not sure where the liability issues come in. He stated that it could be passed on to the PRUD. Councilor Jenkins asked if we could make a Home Owner's Association responsible for storm water from Washington Terrace. Mr. Moulding replied that he didn't think we could. City Attorney, Steve Brook reported that there are a number of issues that can come into play and without seeing who the owners are, we can't make a decision. Councilor Gibby asked if Washington Terrace has expressed interest in helping pay for the water retention and holding and storm water runoff. Mr. Hansen replied that their letter indicates a desire to bring in sanitary sewer and resolve issues relative to hookups. He noted that there are some tradeoffs that could resolve some outstanding issues. Mr. Hansen reported that the County records show that Mr. Frost owns the PRUD parcel only and that the Combe's have retained ownership below. Mayor Burrows reported that there are some long standing issues that will be mutually beneficial if we can continue to move forward in these negotiations. Councilor Jenkins stated the storm water will come through a hillside owned by a third party. Mr. Hansen explained that they are looking for easements not ownership. Councilor Jenkins asked who grants the easements. Mayor Burrows replied that the Combe's would grant those. Mr. Hansen stated that it would depend on the location of the utility. Mayor Burrows indicated that they have been in favor of this project all along and that they did grant the easement down the hill previously. Mr. Moulding reported there is no easement for the storm drain but that there is an easement for the Washington Terrace sanitary sewer. Mr. Hansen explained that in the letter, Washington Terrace has recommended that we resolve some of the sanitary sewer hook up issues on the PRUD by doing other things to resolve the storm water issue. Councilor Griffiths asked if we can participate in any of the Drainage Enterprise Funds as we are taking some of their storm water. Mr. Hansen explained that we are trying to help resolve things, one of which is our dependence on their sanitary sewer system in exchange for our storm water. An Interlocal Agreement with Washington Terrace would be needed to deal with the issues in the letter.

**b. Consideration of Alpine Church Fee Waiver Request**

Larry Hansen reported that he will present this item because of a conflict of interest with Mr. Daily. He stated that over the years we have waived fees by the process of reducing the value on the permit for non-profit organizations and church projects. In the letter submitted by Mr. Cook, on behalf of the Church, item number 4 is a request relative to fee costs. Mr. Hansen discussed the table outlining fees that would be charged based on the full value and fees charged based on one-half the valuation of the project. He noted that some fees can be reduced, while others can not. Councilor Jenkins stated that we know that our fee structure is already reasonable when compared to other communities and asked if we have explored what the permit would cost elsewhere. Mr. Daily replied that our fees are low due to the fact that we don't have impact fees or a connection fee cost. He reported that the building review fees and plan check fees are comparable to other cities. He noted that other cities charge park fees, sewer impact fees etc, that we don't charge. He stated that we have the lowest fees in the State based on a single family dwelling. Mr. Hansen explained that we are in the process of evaluating the amount of fees we charge.

**Motion:** Councilor Gibby moved to reduce the compilation of fees to \$7,856.47. Councilor Griffiths 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.

- c. 1. **Consideration of adjournment into Closed Executive Session for the purpose of strategy sessions to discuss the purchase, exchange, or lease of real property pursuant to Utah Code 52-4-205(1)(d).**

**Motion:** Councilor Gibby moved to adjourn into Closed Executive Session for the purpose of strategy sessions to discuss the purchase, exchange, or lease of real property pursuant to Utah Code 52-4-205(1)(d). Councilor Peterson seconded the motion.

Councilor Haws asked if because there are two executive sessions couldn't we adjourn once and take care of both items during the same executive session. Mr. Hansen stated that we did think of doing that but didn't think that would be specific enough for the agenda and there was the chance that we might take action on one or both of these items.

**Call the Question**

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

Mayor Burrows called a ten minute recess at 8:00 a.m. prior to adjourning into the Closed Executive Session.

The meeting re-convened at 8:57 p.m.

- 2. **Consideration of action regarding the purchase, exchange or lease of real property.**  
No action was necessary from the Closed Executive Session.

- d. 1. **Consideration of adjournment into Closed Executive Session for the purpose of strategy sessions to discuss pending or reasonably imminent litigation pursuant to Utah Code 52-4-205(1)(c).**

**Motion:** Councilor Peterson moved to adjourn into Closed Executive Session for the purpose of strategy sessions to discuss pending or reasonably imminent litigation pursuant to Utah Code 52-4-205(1)(c). Councilor Gibby seconded the motion.

**Call the Question**

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

The meeting adjourned into Closed Executive Session at 8:59 p.m.

The meeting re-convened at 9:57 p.m.

- 2. **Consideration of action regarding pending or reasonably imminent litigation.**  
No action was necessary from the Closed Executive Session.

4. Department of Legal Services

**a. Consideration of Resolution 22-2006 authorizing the acquisition by condemnation of a parcel of real property, or fee title to, certain real property located in Weber County, Utah, commonly known as the Sound Warehouse property.**

City Attorney, Steve Brooks, stated that they are all aware of circumstances and that they have come to a point in negotiations that time is crucial for regular eminent domain action. He is asking for approval from the Council to proceed with eminent domain in case it is needed.

**Motion:** Councilor Gibby moved to approve Resolution 22-2006 authorizing the acquisition by condemnation of a parcel of real property, or fee title to, certain real property located in Weber County, Utah, commonly known as the Sound Warehouse property. Councilor Griffiths seconded the motion.

Councilor Jenkins asked if they will be notified, as a Council, if eminent domain is used or does this give him the option to do this. Mr. Brooks replied that he is asking for the authority to go forward if need be as further delays will jeopardize the development. Mr. Hansen explained that this is a safety net that gives him the ability to line up the court action. He noted that when we file, we would have to pay a deposit which is contingent upon the ADL and that we would have to come up with money.

**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.

**G. Discretionary Items**

Councilor Jenkins stated that in the information that was received from the Army Corps of Engineers there was a drop dead date to complete any projects that we had as of October 6, 2006. She was wondering if there were any issues of fire danger, etc. that appear to be in place by October 6<sup>th</sup> and asked if Mr. Hansen could check with Mr. Moulding to see what he asked for. Mr. Hansen stated that the permit itself is between the Corps. and the Developer. Councilor Jenkins stated that a portion of the Agreement between the Developer and the Corps. states that the responsibility goes to Riverdale City. Mr. Hansen stated that he will look into it.

**H. 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 10:05 p.m.

Attest:

Approved: September 19, 2006

\_\_\_\_\_  
Marilyn Hansen, City Recorder

\_\_\_\_\_  
Bruce Burrows, Mayor