

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **December 6, 2005** at 6:00 pm at the Riverdale Civic Center, 4600 South Weber Drive.

Members Present: Bruce Burrows, Mayor
Nancy Brough, Councilor
David Gibby, Councilor
Stacey Haws, Councilor
Shelly Jenkins, Councilor

Members Excused: Stan Hadden, Councilor

Others Present: Larry Hansen, City Administrator
Randy Daily, Community Development Director
Wayne Hoaldrige, Public Safety Administrator
Dave Hansen, Police Lt.
Steve Brooks, City Attorney
Jan Ukena, City Planner
Cindi Mansell, City Recorder

Kip Billings Ray Peterson
Chuck Hadley Kelly Wanczyk

Mayor Burrows called the meeting to order and welcomed those present. He excused Councilor Hadden, who is ill. Mr. Hansen offered the Pledge of Allegiance. Mayor Burrows then read a quote by the Provincial Congress of Massachusetts in 1774. A Moment of Silence followed.

Mayor's Report

Mayor Burrows reported that Riverdale has a long-term employee who has served faithfully in the City for 20 years. He explained that Police Lt. Paige Ansley is going to retire and her farewell open house will be held on Wednesday, December 14, 2005 from 1-3p.m. at the Riverdale Fire Station.

Mayor Burrows reported the Weber Area Council of Governments unanimously approved and forwarded to Wasatch Front Regional Council a request by resolution that the funding priorities be restored to the I-15 project all the way to 2700 North. He stated this funding never should have been taken away, and was actually put into a phase 1/phase 2 priority sequence when it should not have been. He stated there was a unanimous vote by Wasatch Front Regional Council to request the Legislature restore the funding to that portion of the Centennial Highway Fund.

Mayor Burrows expressed condolences to Steve and Scott Kier and family upon the passing of their father, Jim Kier. He stated Kier Corporation has been instrumental partners with the City in the construction and development of the Senior Center. He provided funeral information for those interested in paying their respects.

Mayor Burrows reported the Employee Christmas Luncheon will be held on Wednesday, December 21, 2005 at 12:00 noon at the Community Center.

Mayor Burrows explained that Mayor Godfrey has invited anyone interested in attending the groundbreaking ceremony for the Ogden City High Adventure Recreation Center. He stated this will be held at 23rd Street and Grant Avenue on Monday, December 12, 2005 at 11:00 a.m.

Recorder's Report

Mayor Burrows referenced the item under the Recorder's Report relative to the Citizen's Recreation Committee. He explained invitation to the community has gone out in the newsletter in effort to solicit interest to serve on this steering committee. *There appeared to be Council consensus for removal of this item from the Recorder's Report.*

Councilor Haws inquired as to the item relative to trail access, and the permit being granted until 2007; he inquired what will happen in 2007. Mayor Burrows explained the City had a period of time to complete the access and report back. He stated this has since been done.

Councilor Brough inquired as to East Bench trail access. Mr. Hansen stated this item involves the conceptual discussion as to access to bring the trail down from the east bench. Councilor Brough stated she had thought there to be a proposal relative to access route. Mayor Burrows stated it has been discussed as a serpentine trail in the area of Classic Waterslide that would traverse the hill. Discussion followed regarding different options, with Mr. Daily stating there is nothing formal at this point.

Councilor Jenkins inquired as to the Discount Tire property location, with Mr. Daily stating the Council felt that area was too far detached from the Riverdale part of the east bench. He stated although the Scott Laughter property is much more desirable and has proximity to the bridge; the owner is unwilling to provide access. Discussion followed regarding the pending proposal for development of this waterslide area; and perhaps trail access becoming a condition of development.

Mr. Daily stated other options offer difficulties associated with the railroad tracks. Discussion followed regarding the option to pursue Mr. Laughter, who is at the point of occupancy on his new home. Mayor Burrows suggested an easement offer, with Mr. Daily stating the owner is not willing and the Council would have to be willing to force the issue. Councilor Jenkins expressed the desire as to some type of amenable solution.

Open Communications

Envision Utah Update

Kip Billings, Wasatch Front Regional Council, addressed the Mayor and City Council. He discussed how different growth patterns could reduce traffic congestion; and referenced congestion levels using the current regional transportation plan; or 2005 versus 2015 congestion. He stated one cannot build their way out of congestion by construction alone,

and there is the need to determine how different growth patterns can reduce congestion being experienced.

Mr. Billings addressed the Vision and Growth Principle, or developmental process. He stated there is the need for Riverdale direction regarding the 2030 land use assumptions Wasatch Front Regional Council should use to create the regional transportation plan - via current general plans, vision scenario, or some combination.

Mr. Billings stated by increasing mixed use development relative to the current plan, the vision results in about 20% less congestion; 10% more transit use; and 20 fewer square miles of land consumption. He discussed the need to provide public infrastructure that is efficient and adequately maintained; as well as provide regional mobility through a variety of interconnected transportation choices. He encouraged integration of local land use with regional transportation systems to result in providing housing for people in all life stages and incomes; ensure public health and safety; enhance the regional economy; promote regional collaboration; strengthen sense of community; and protect and enhance environment.

Mr. Billings discussed the effort to illustrate possible scenarios. He explained that surveys illustrate strong public support for collaboration. He stated to reduce the 2030 transportation plan; there is the need to estimate future growth patterns. He stated what is known is that city master plans change over time; these growth principles have been adopted by the Wasatch Front Regional Council elected officials; and it is hoped and encouraged that Riverdale City will consider these same growth principles as they revise and update their City Master Plan.

Councilor Jenkins stated not really having much time to look over the handouts, she would question as to how to ensure public health and safety and encourage communities to develop transportation facilities that promote healthy and physical living. Mr. Billings stated although he is not the office expert, he would feel this refers to not omitting pedestrian access and designing a community so that activities are accessible by pedestrian and bikes and not solely automobiles. He stated sometimes, scale of development make it difficult and too far to walk.

Mayor Burrows thanked Mr. Billings for this informative presentation.

Sam's Club - Donation

Ray Peterson, Sam's Club, addressed the Mayor and City Council on behalf of Kent Green, General Manager. He stated he would like to present a check in the amount of \$500 to be donated towards the new Senior Center. He stated Sam's Club has now contributed \$3,250 to charitable organizations in helping fund the July 4th celebration, Sub-for-Santa, Safe Neighborhood Heroes, and Fire Community Emergency Response.

Mayor Burrows accepted the check on behalf of Riverdale City. He expressed his appreciation to Sam's Club for being wonderful neighbors and a great asset to the Riverdale community.

Consent Items

Approval of Minutes

Mayor Burrows reported the City Council has before them the minutes of the Board of Canvass, Work Session and Regular Meeting of November 15, 2005. There was one amendment proposed to the Regular Meeting minutes.

Motion: Councilor Brough moved to approve the Common Consent items with the one amendment as proposed. Councilor Gibby seconded the motion. The motion passed unanimously.

Further Consideration - City Entryway Signage

Mrs. Ukena addressed the Mayor and City Council and illustrated the latest drawing and proposal. She stated Ms. Thomas has indicated she located a new individual to construct the fountain and water features. She referenced the bid broken out into expenses. She stated this bid includes a heating system to allow continual running of the water during the winter, and includes lighting in the pond. Mrs. Ukena stated the pond lights do not shine up on the sign, but rather, illuminate the water. She referenced the renderings of both day and night; and including the back of the sign, which is not illuminated.

Discussion followed regarding the budgeted amount of \$30,000, with Mrs. Ukena stating the bid estimate is \$26,289. Mr. Daily pointed out the budget amount initially hoped to acquire more than just one entry sign. Discussion followed regarding the various entryway locations into the city. Councilor Jenkins discussed the need for a constant type of theme throughout the various locations, stating there are other entrances with a much higher profile. She expressed concern that if this particular sign is placed in this particular location, will the City then be able to afford to remain with this theme in other locations. She stated there are many unanswered questions relative to how much of this type of work can be done in-house by the Public Works Department; ongoing maintenance and perpetual care; entryway locations; theme; and costs of various sizes of signage.

Inquiry was raised as to how much of this work could be completed by the Public Works Department in effort to buffer some of these costs. Mr. Moulding stated his employees have never done anything like this type of work before. Councilor Gibby stated perhaps every entry point into Riverdale will not have a water feature. He stated he feels the proposed area to be a good location for a water feature because it is not a high speed area. He stated the Council may want a larger sign on Riverdale Road; perhaps with the same rock theme and same lettering, but no water feature. He stated he does feel this proposal incorporates many nice features; and perhaps a duplicate water feature in another budget year. He stated different features could be utilized in various locations on a more restricted basis.

Councilor Jenkins stated she likes the design and feels the entire project has moved forward nicely. She stated she would like to see this as an inclusive idea, and would hate to not be able to afford doing anything to this level again and only have one location. She expressed her desire to identify the locations and possibilities for each area and provide

further strategic planning consideration prior to locking into this one location. Mrs. Ukena stated new development could possibly assist in the entryway design; and cited the Cinedome and Ski Mania areas as an example. She stated perhaps America First could assist with the entryway on 4400 South or the roundabouts.

Councilor Gibby stated this is a nice design, and the location donated by Roy City must be acted on in good faith sooner or later. He stated the Council has requested ideas, and have been presented a very nice one. He stated the concept can be modified in the future; however, he sees this concept in this location as being a positive endeavor of a very competitive and attractive example. Mrs. Ukena stated staff is also pleased with the final result.

Further discussion followed regarding the rock feature being placed in other locations, excluding the water feature. The concept of requesting bid amount for other areas was suggested. Councilor Brough stated she feels the Council should consider how to incorporate the design into other areas before throwing all available dollars into this one location.

Inquiry was raised in regards to the time limit associated with the donated property by Roy City. Mr. Hansen stated he feels they would be willing to work with Riverdale in that aspect. He stated Councilor Jenkins makes a valid point that the inception of appropriation was to brand the city at entryways. He stated if this example is used as a touchstone in decision making - it then requires the Council go back and designate those locations and determine those to firmly label with some type of feature. He stated once identified, the Council could then gradually implement a plan including cost considerations. He stated due to ongoing legislative considerations, capital expenditures will provide strong competition for funding in the near future.

Councilor Jenkins stated she would like to defer this concept to the Public Works Department to further investigate some of the information relative to year-round (i.e. maintenance and utilities). She stated there is the need to ensure that year-round water features would not prove problematic and expensive to the city. She stated she would concur with the need to move forward and identify the areas to be branded. Mayor Burrows stated indeed, this is a valuable concept to take forward to strategic planning for answers on costs with/without water feature and for Public Works to have time to study plans to see what (if any) of the work could be performed by staff.

Councilor Gibby further discussed the concept of increasing the signage size in higher speed areas (to perhaps 30-40% larger). Councilor Brough stated because two members of the current Council will not be on board when this decision is made, she does agree the two new members should have input. Mayor Burrows discussed the value of the input and contribution of Councilors Brough and Hadden in working towards the signage look and appeal.

Resolution #36-2005 authorizing Developer's Agreement with Les Schwab Tire Center

Mr. Daily stated staff would recommend approval of the Developer's Agreement between Riverdale City and Les Schwab Tire Center.

Councilor Jenkins expressed concern as to moving forward with this type of developer's agreement when it is known that future development could change everything. She inquired if it would be reasonable to lock into this particular agreement knowing the complexion of this property could change entirely. Mr. Daily explained this agreement only covers what has been agreed to by Riverdale and Les Schwab. He stated once they agree to redevelop, an entirely new development agreement will be completed and come into play. He stated this is merely an agreement to allow occupancy, open, and operation as Les Schwab. Mr. Hansen stated looking at the future, the intention and RDA desire was to redevelop the entire property; including property they do not own nor do not have control over. He stated when the project gets to that point, there will have to be an entirely new developer's agreement.

Councilor Jenkins referenced the original six-month approval window, and inquired if the development will completely change or return with request for extension. Mr. Daily stated any development would have to come through the Planning Commission and City Council process before it could change. He stated there is a process for plans of what is being done. He stated staff is not as concerned if that happens, and are more worried about what if it does not. He stated he feels it is clear to Les Schwab that the existing development does not meet the goal and intent for this area. Mr. Daily stated they have indicated the facility does not meet their needs either; as their intent is for the showroom and service center to be housed in one building. He stated the current arrangement allows Les Schwab to operate as a business now.

Mrs. Ukena explained two very good things have happened: (1) the City got rid of an illegal lot split; and (2) the City now has a legally recorded easement for the trail system through this area. She stated Les Schwab could have cut off access to the trail system because Riverdale had nothing formal recorded. She stated in the future, the City can actually request donation of the property for the trail system.

Councilor Haws inquired as to the opening date of Les Schwab. Mr. Daily stated the Developer Agreement was signed on November 15, 2005.

Motion: Councilor Gibby moved to adopt Resolution #36-2005 authorizing the acceptance of a Developer's Agreement with Les Schwab Tire Center as proposed. The motion was seconded by Councilor Brough.

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

Resolution #37-2005 adopting updated FEMA Flood Insurance Rate Maps

Mr. Daily explained the proposed resolution provides for adoption of the Flood Insurance Rate Maps (FIRM) effective date December 16, 2005. He stated public hearing is required by the Planning Commission and adoption by Ordinance of the City Council to amend the

Municipal Code. However, adoption by resolution will satisfy FEMA deadline requirements and allow the City to maintain good standing in their flood insurance rate program. He stated the updated maps do not change any boundaries, but merely provide for a change in the mapping system.

Motion: Councilor Brough moved to authorize Resolution #37-2005 adopting the updated FEMA Flood Insurance Rate (FIRM) Maps, with the effective date of December 16, 2005. The motion was seconded by Councilor Gibby.

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

Pay Request No. 3 & Project Summary - Roundabouts

Mr. Moulding stated the request is for consideration of Pay Request No. 3 and Project Summary Sheet payable to Leon Poulson Construction in the amount of \$180,122.27 for work completed to date on the roundabout project at 4400 South and Parker Drive and Cozydale. He stated there will be one more change order coming through.

Councilor Brough inquires as to plans for lighting or landscaping; and whether this will be completed by the contractor or the Public Works Department. Mr. Moulding explained these items are not part of this contract and will be included in next year's budget for completion. He stated provisions for irrigation and electrical lighting have been buried under the road, and can be completed upon request. Discussion followed regarding maintenance of the roundabouts, with Mr. Moulding stating staff will maintain these areas.

Motion: Councilor Haws moved to approve Pay Request No. 3 and Project Summary to Leon Poulson Construction in the amount of \$180,122.27 for work completed to date on the roundabout project. The motion was seconded by Councilor Gibby.

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

Weber Basin Water Conservancy District - 2006 Water Charges

Mr. Moulding stated the request is for consideration of payment to Weber Basin Water Conservancy District in the amount of \$154,672.53 for 2006 Water Charges. He explained this is the annual payment for water. He reminded the Council they are asked early in the year as to whether they would like Weber County to assess these charges as a tax to all property owners; or to have the City make payment. He stated there will be another such request coming forward for 2007 charges.

Councilor Brough inquired if payment is for water that has been used or that will be used. Mr. Moulding explained payment up front is required so that Weber Basin is able to have operating capital to run the system. Inquiry was raised as to cost, with Councilor Jenkins inquiring if the increase is due to a difference in cost consumption or a slight rate increase. Mr. Moulding explained this is actually an estimated amount because it won't be known how

much it costs to do business until the end of the year. He stated once this is known, an adjustment is then made.

Motion: Councilor Gibby moved to approve payment for 2006 Water Charges to Weber Basin Water in the amount of \$154,672.53. The motion was seconded by Councilor Brough.

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

Resolution #38-2005 adopting a Non-Consent Towing Service Agreement

Lt. Hansen explained in 2003, Riverdale established agreement for non-consent towing services. He stated the contract has since been renewed; however, the City Council had requested solicitation of bids at time of expiration. He stated a Request for Proposal was solicited in September 2005 to each one of the towing providers that were affiliated with the Towing Dispatch Center. He stated seven responses were received; however, there were only three legitimate responses in accordance to the request (Brett's Towing; Patty's Towing; and Stauffer's Towing).

Lt. Hansen stated a committee of himself and three patrol sergeants reviewed the proposals. He stated the determination was made to remain with the Stauffer's contract; and he is present this evening to request entering into contract and also for the City Council to allow staff the option to exercise renewal each year if Stauffer's continues to maintain the level of service as expected.

Lt. Hansen stated there was a request from Ken Garff to go with certain tow groups; as well as others from Central Towing Dispatch wanting to return to the rotation method. Councilor Gibby stated the reason it was elected not to return to the rotation method was due to the timing of trying to reduce traffic on Riverdale Road as well as quicken response time. Lt. Hansen stated the average tow time has been reduced to nine minutes by going with the exclusive contract arrangement. He explained they are allowed to scanner chase and roll to the scene at the time the officer is dispatched; and this is not allowed under the rotation system.

Councilor Brough inquired if the towing company hears the call and rolls anyway, what is the purpose of the officer requesting a tow as well. Lt. Hansen explained the officer still has obligation to make contact with the towing provider. He stated he is always looking for ways to increase response time, and would be open to any options for a better system. He clarified that the vehicle owner also has the prerogative as to which towing company to call.

Discussion followed regarding the information as submitted, with Lt. Hansen stating background checks were requested on each company for all drivers that will be working and responding to scenes. He stated this contract would be for one year, and includes the option for staff to go back and renew if there has not been any problems. He stated if the agreement is not working at that time and there are problems, the RFP process will begin

again. Councilor Gibby stated he would like to recommend Council review of the towing contract at least every five years.

Mayor Burrows stated a report can be provided at the end of April prior to budget negotiations. He stated at that time, performance over the period of time can be illustrated.

Motion: Councilor Gibby moved to authorize Resolution #38-2005 adopting the acceptance of the towing proposal for non-consent towing services for Riverdale Public Safety. The motion was seconded by Councilor Brough.

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

Resolution #39-2005 authorizing Lobbying Services Agreement

Mr. Hansen explained the City previously entered into retainer agreement with Dave Spatafore dba Capstone Strategies LLC. He stated the original agreement began in February 2005 and ended June 30, 2005. He stated the contract contained a phrase for renewal at the option of the City at no additional expense to the City through December 2005. He stated the services were originally for RDA issues, but have since included sales tax as well.

Mr. Hansen stated the proposed resolution would approve an agreement for legislative lobbyist services from July 1, 2005 through June 30, 2006; and the full year cost would be \$12,000. He stated staff would recommend approval of this contract. He stated Mr. Spatafore has demonstrated a very consistent desire and ability to connect with legislators and he feels it necessary for Riverdale to have this type of representation.

Councilor Brough referenced the contract, and inquired as to the final payment being due in March. Mr. Hansen explained the original contract was contemplated for the bulk of work to be a short year which actually did not begin until February. He stated half was paid up-front and the remainder when the legislative session terminates; and this current proposed contract was constructed with similar payment terms. He stated basically, Mr. Spatafore has worked since last March without additional compensation from Riverdale City. He stated he feels Mr. Spatafore has more than earned half payment at this time; and has been working without a formal agreement since July 1.

Mr. Hansen stated Mr. Spatafore is amenable to the terms as provided, and in fact, his fees to other cities appear to be much larger. Inquiry was raised as to whether Riverdale could ensure Mr. Spatafore's personal representation and not an appointed designee. Mr. Hansen stated he would assure the Council they will receive the personal services of Mr. Spatafore.

Councilor Jenkins inquired as to the potential of having Mr. Spatafore update the City Council as to a brief statement of happenings and what he is doing for the City. Mr. Hansen stated he would assure Mr. Spatafore would make himself available to address the Council. He stated he personally never has any difficulty in contacting or obtaining

information/feedback from the lobbyist. He discussed the great amount of money at risk for Riverdale, stating he feels this City is well advised to hire someone to help protect their interests.

Inquiry was raised as to Mr. Spatafore's services, and whether they are exclusive to RDA or sales tax issues. Mr. Hansen stated he feels secure that this agreement would be for any purpose, even if a new issue or concern did arise. He stated he feels the lobbyist will represent Riverdale in other legislative issues under this same fee for anything that comes up during this legislative session. He stated this is helpful in that sometimes it is difficult to know whether something coming up will impact Riverdale. He stated there are also ethical considerations, and Mr. Spatafore would have to disclose if he were to represent the opposite side of a pending matter or issue.

Motion: Councilor Haws moved to authorize Resolution #39-2005 authorizing an agreement to secure government relations and lobbying services with Dave Spatafore dba Capstone Strategies LLC as proposed. The motion was seconded by Councilor Brough.

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

Discretionary Business

Legislative Update

Mayor Burrows updated the Council on a meeting with Wayne Harper and Greg Bell; three other cities; and including Utah League leadership. He stated this group of cities met and determined that if they do not stand unified as hold harmless, they are going to be hit hard. He stated they did agree on a position that would request 10 years instead of the proposed 5 year phase out. He discussed the reasoning that it appears that many of the cities would actually take 7.5 years to phase out.

Mr. Hansen stated he prepared a pro-forma that illustrated if Riverdale were forced to phase out in 5 years - they would hit within 3 years. He stated another consideration was to include a floor from the 2004-2005 year. He stated several other cities wanted to utilize the 2005-2006 year, however, the League cannot estimate on something that has yet to happen and will have to move forward on the completed time period.

Discussion followed regarding the hold harmless categories. Mr. Hansen explained that anyone not in five years ago would be excluded from state formula considerations to begin with. He discussed the floor concept, as well as economic impacts to future development.

Councilor Gibby expressed concern that these types of considerations would basically kill any incentive for a City to attempt to attract retail development. Mr. Hansen explained that is a natural conclusion, however, this would only be true for a period of time. He stated after that time, new sales tax generated would allow Riverdale to retain 50% from point-of-sale from that point forward. He summarized that although it may kill the incentive for a period of time to hold harmless, it would not kill a municipality. He stated

certainly, there is a disproportionate burden on the 12-15 cities that are protected by the hold harmless provision. He further discussed flat operating revenues from sales tax dollars during this period of time.

The Council thanked Mayor Burrows and Mr. Hansen for this legislative update.

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Jenkins seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:54 p.m.

Attest:

Approved: December 20, 2005

Cindi Mansell, City Recorder

Bruce Burrows, Mayor