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Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **December 19, 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  
Gary Griffiths, Councilor  
Doug Peterson, Councilor  
Shelly Jenkins, Councilor

Others Present: Larry Hansen, Chief Administrative Officer; Steve Brooks, City Attorney; Randy Daily, Community Development Director; Lynn Moulding, Public Works Director; Lynn Fortie, Business Administrator; Dave Hansen, Police Chief; 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**

Larry Hansen offered the Pledge of Allegiance. Mayor Burrows read a ruling from the Supreme Court that was issued in 1985.

**C. Moment of Silence**

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

**D. Open Communications**

Nancy Brough read a prepared statement entitled Gifted Railroad Property Uses, which she distributed to the Mayor and Council. The statement referenced how the City obtained the gifted property and her feelings that the City should not allow any structures to be built upon this property.

**E. Presentations and Reports**

**1. Mayor's Report**

Mayor Burrows reported that the Riverdale Fire Department recently obtained a grant to purchase smoke and carbon monoxide detectors. He reported that he received an e-mail from Fire Chief Doug Illum reporting that on November 21, 2006, his fire crew responded to a carbon monoxide alarm where there were elevated levels of carbon monoxide in the home. He reported that the family was alerted to the situation by one of the free carbon monoxide detectors provided by the Riverdale Fire Department.

Mayor Burrows invited the Councilmembers to attend the employee Christmas luncheon to be held on December 20, at the Community Center. He also noted that January 17, 2007, is the Elected Officials Day at the capital.

2. Administrator's Report

**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 December.

<b>Employee</b>	<b>Length of Service</b>	<b>Department</b>
Lynn Moulding	27 years	Public Works
James Ebert	15 years	Police
Chris Stone	14 years	Facilities/Public Communications
Stephanie Bishop	5 years	Fire
Mathew Slater	5 years	Fire
Ashley Pippin	2 years	Crossing Guard
Joey Clark	2 years	Police
Cody Draheim	1 year	Fire
Cameron Beck	1 year	Fire
Matthew Hennesy	1 year	Fire
Paul Koetitz	1 year	Fire
Chad Wilson	1 year	Fire
James Robinson	1 year	Fire

**c. Staffing Authorization Plan**

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

**d. 2006 Annual HR Review**

Mr. Hansen stated that he annually lists positions within the City that require certain qualifications, special skills and knowledge. He explained that there are nine positions which he has highlighted that have been filled within the last couple of years. He reported that some of these positions have been filled from the marketplace, while others were filled by existing City employees.

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

None

**F. Consent Items**

**1. Approval of meeting minutes from:**

**November 28, 2006 Strategic Planning**

**December 5, 2006 Council Work Session**

**December 5, 2006 Regular City Council**

**2. Report on the Condition of the Treasury for the month ending November 30, 2006.**

Lynn Fortie, Business Administrator, discussed the month ending November 30, 2006. He noted that the General Fund received \$40,000 in Class C Road Funds and \$12,000 in property tax with more revenue expected in December. Expenditures in the General Fund included \$220,000 in Class C Road Funds to Advanced Paving. Mr. Fortie reported that the Redevelopment Agency received

\$30,000 in tax increment and the Sewer Fund expended \$42,000 to Roto Rooter and \$40,000 to Central Weber Sewer.

**3. Set business license revocation hearing date for Riverdale Bingo and Skyline Internet Café.**

City Attorney, Steve Brooks, reported that there have been numerous complaints regarding these two businesses. He explained that our officers have been in these businesses and compiled a case for criminal charges, but those have not yet been filed. Mr. Brooks requested that a time and date be set so that both sides could present evidence and argue whether or not their business licenses should be revoked. Councilor Gibby inquired if it would be appropriate to hold the hearing separate from a Council meeting. Mr. Brooks replied that he thought it would be appropriate as each side needs time to present their case and recommended setting the hearing date for late January or early February in order to give each party time to prepare. Larry Hansen suggested Tuesday, January 30, 2007. Councilor Griffiths asked if the hearing on the 30<sup>th</sup> would include both businesses. Mr. Brooks replied that he didn't mind having both cases presented on one night. Councilor Peterson inquired if there are any other legal proceedings pending by other state agencies regarding these two businesses. Mr. Brooks replied that he is not aware of any. He explained that the potential charges are misdemeanors and would be handled by us, but noted that we have been consulting with the County. Mayor Burrows asked the Councilmembers if they had a conflict with January 30, 2007 to hold the hearing. There were no objections. Mr. Brooks stated that the hearing would begin at 6 pm and that he would send out the appropriate notices to the affected parties.

Mayor Burrows asked Mr. Brooks if it would be appropriate to make mention of the lawsuit that has been filed against the City by one of these parties. Mr. Brooks replied that there has been an action filed but that it was separate from the business license revocation hearing. Councilor Griffiths inquired if they could have copies of the complaints submitted to the Police Department. Mr. Brooks replied that we have an extensive packet from the Police Department. He noted that it is very detailed and will be submitted to the Council and the affected parties in advance of the hearing.

**Motion:** Councilor Gibby moved to approve the consent items and set the business license revocation hearing for January 30, 2007. Councilor Peterson seconded the motion.

**Call the Question**

**Roll Call Vote:** The motion passed unanimously.

**G. Action Items**

**1. Consideration of Ordinance #673 amending Riverdale City Code 1-9-2 regarding purchasing authority.**

Lynn Fortie, Business Administrator, reported that this ordinance change removes reference to the Purchasing Agent for the City and replaces it with those who are authorized to do purchasing for the City. He explained that a lot of the purchasing functions can be performed by the State while others are better performed at the department level.

**Motion:** Councilor Gibby moved to approve Ordinance 673 Title 1, Chapter 9, Section 2 of the Riverdale Municipal Code by changing the title and effect of this section from an agent to a general purchasing authority, setting limit amounts and clarifying other applicable sections, deleting sections no longer applicable or covered elsewhere in the code, providing for a repealer and severability clause and an effective date. Councilor Peterson seconded the motion.

### **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 Ordinance #674 amending Riverdale City Code 1-9-10 regarding check payment authority.**

Lynn Fortie, Business Administrator, reported that this ordinance change clarifies and streamlines how certain payments are handled. He explained that the Council has been approving payments that are over \$25,000 that our current ordinance doesn't require. The new ordinance will allow for payments to be made if the purchase was made pursuant to established purchasing procedures, referenced in the budget document, and approved by an appropriation resolution adopted for the current fiscal year budget, provided that the expenditure does not cause the budget to be exceeded. Mayor Burrows inquired if this change raises the approval authority to \$25,000 for Department Heads. Mr. Fortie reported that the current approval limits are \$15,000 for Department Heads and \$25,000 for the City Administrator and Mayor, but that they will remain the same. Mayor Burrows stated that he feels if it is a budgeted item, then the Department Heads should have authorization up to \$25,000. Larry Hansen stated that even though we don't have centralized purchasing, he thinks the hierarchy is a good idea as it provides for an opportunity to review the larger purchases.

**Motion:** Councilor Gibby moved to approve Ordinance 674, amending Title 1, Chapter 9, Section 10 of the Riverdale Municipal Ordinance Code by adding clarification to the authority of the Business Administrator/Treasurer, adding authority to pay claims that have been appropriately reviewed and authorized by process and/or codified limits, providing for repealer and severability clauses and an effective date. Councilor Peterson 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 the subdivision plan for Toys R Us.**

Randy Daily, Community Development Director, reported that this is a request by Toys R Us Corporation to allow them to subdivide the Toys R Us building from the Babies R Us building, allowing for the sale of the Toys R Us building. He explained that approving this item wouldn't change the site, parking, landscaping, or docking.

**Motion:** Councilor Gibby moved to approve the Toys R Us subdivision as presented. Councilor Peterson seconded the motion.

### **Call the Question**

**Roll Call Vote:** The motion passed unanimously.

### **4. Discussion of Woods property set-backs.**

Randy Daily, Community Development Director, reported that each of the properties that have been sold by the City have an agreement and contract that has been signed, outlining conditions for the use of the gifted property. One of those conditions is that the gifted property cannot be used for buildings. He stated that the issue is whether or not to allow the owners to use the property line of

the gifted property as the set-back. He explained that the biggest impact by allowing this would be if residents wish to add on to their existing dwelling or build a new dwelling. Mayor Burrows stated that this issue was discussed in a previous council meeting and that there was consensus to bring it back for discussion. Steve Brooks reported that one of the considerations could be placing an overlay on the property, which would provide the most protection for a no-build zone. He stated that Mr Daily informed him that some of the gifted property lies within unincorporated Weber County and the only way we could do anything with that property is to do an annexation, which he doesn't recommend. Mayor Burrows explained that staff is looking for consensus as to whether the Council wants to allow the gifted property to be used as the set back or keep the set backs the same. Councilor Peterson inquired about enforcement issues regarding a no-build zone. Mr. Daily stated that because a portion of the gifted property is in unincorporated Weber County, we cannot control zoning in that area with an overlay, but we can control it with a contract. He noted that the property in unincorporated Weber County is zoned agricultural and doesn't allow buildings. Councilor Jenkins stated that we have other areas gifted or designated as no build. She stated that there is the issue of the people who had made the purchase of the gifted property had went to the County and erased the property line by combining the two lots and wondered if a no build area might set precedent in making one lot from two. Mr. Daily explained that the purpose of the discussion tonight is just to give direction on the set backs and that there will be issues that will need to deal with based on what the Council decides. Larry Hansen reported that this item was brought back to suggest a couple of alternatives to protect the intent of the sale of the property and keep the gifted property as a no-build zone. He reported that Mr. Brooks has found an effective way to preclude building on the property by using contracts. He explained that the dilemma of using the overlay approach is that it would use considerable resources to annex those properties into the City and wouldn't do anything more than we can do legally. Councilor Gibby inquired if the current language prohibits using this property as a set back. Mr. Brooks replied yes. Councilor Gibby stated that he sees the importance of keep this as an open area, however, he has hard time seeing why we can't allow this property to be used as a set back and is in favor of allowing the gifted property to be used for the set back.

Councilor Jenkins feels because the gifted property is not equal for each resident, then allowing the property to be used for the set back would not be fair. She also noted that this would bring building closer to the trail. She stated that she is in favor of not allowing the property to be used as set back. Councilor Haws asked what would need to be done if we do attempt to make the change to allow the property to be used as set back. Mr. Brooks reported that he would have to go back and notify all the people that we entered into that agreement with and notify them of the proposed change and see if they have any objections. Councilor Peterson stated that he doesn't see harm in allowing this change and that he doesn't want to build on the gifted property either. Councilor Griffith stated that he agrees with Councilor Peterson and doesn't see harm but sees value and opportunity.

**Motion:** Councilor Gibby moved to allow using the gifted property as the rear set backs and direct staff to do what they need to do. Councilor Griffiths seconded the motion.

Mayor Burrows stated that they need to get consensus to bring this item back for action as this item was not agendized as an action item. Mr. Hansen suggested that if consensus is reached that they bring this item back on the January 16, 2007, City Council agenda. **Mayor Burrows asked for consensus to not allow the additional set back from the gifted property. Consensus was not reached. Mayor Burrows asked for consensus for staff to bring back information using the gifted property for the set back allowance. Consensus was reached.** Mayor Burrows stated that

this item will be placed on the January 16, 2007, City Council agenda. Councilor Jenkins inquired what information staff would bring back that the Councilmembers didn't already have. She stated that she would like a feel from the rest of that community, if this item is to be brought back. Mr. Brooks stated that he will draft a letter to the affected parties explaining the situation and try to have some information for the January 16<sup>th</sup> meeting.

Councilor Peterson inquired if it would be worthwhile to discuss this issue with the Weber County Commissioners regarding the zoning of the property in the unincorporated area. Randy Daily stated that he would talk to the County about creating an easement so they would not have annex it.

**5. Consideration of payment to Weber Basin Water Conservancy District for 2007 water charges in the amount of \$154,655.00.**

Lynn Moulding, Public Works Director, presented the invoice for \$154,655.00, which is the annual payment to Weber Basin Water Conservancy District for water that the City has contracted for.

**Motion:** Councilor Gibby moved to approve the payment to Weber Basin Water Conservancy District in the amount of \$154,655.00. Councilor Griffiths seconded the motion.

**Call the Question**

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

**6. Consideration of Payment Request #3 and Change Order No. 2 and 3 to advanced paving for the 2006 and 2007 Roadway Improvement Project in the amount of \$307,377.28.**

Lynn Moulding, Public Works Director, reported that the change orders were due to a sewer repair that was discovered while videoing the sewer line. He noted that the balance of the project will be finished next spring.

**Motion:** Councilor Gibby moved to approve payment to Advanced Paving for payment request 3 and Change Order No. 2 and 3, in the amount of \$307,377.28. Councilor Peterson seconded the motion.

**Call the Question**

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

**H. Discretionary Items**

Councilor Jenkins reported that she had been contacted by residents concerned that Santa did not show up on the fire truck at the times that residents were told he would be there. She requested that this be looked into and asked if perhaps an apology could be placed in the newsletter.

**I. Adjournment**

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Peterson seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:17 p.m.

Attest:

Approved: January 16, 2007

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Marilyn Hansen, City Recorder

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Bruce Burrows, Mayor