

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **December 21, 2004** at 6:00 p.m. at the Riverdale Civic Center.

Members Present: Bruce Burrows, Mayor
 Nancy Brough, Councilor
 David Gibby, Councilor
 Stan Hadden, Councilor
 Stacey Haws, Councilor (arrived at 6:16 p.m.)
 Shelly Jenkins, Councilor

Others Present: Larry Hansen, CAO
 Lynn Moulding, Public Works Director
 Randy Daily, Community Development Director
 Lynn Fortie, Deputy Treasurer
 Stevin Brooks, City Attorney
 Cindi Mansell, City Recorder

Shane Weisman

Don Farr

Mayor Burrows called the meeting to order and welcomed all those present. He stated Councilor Haws will join the meeting in progress. Councilor Gibby offered the Pledge of Allegiance. Mayor Burrows then read a quote from Benjamin Franklin in regards to Christmas, followed by a Moment of Silence.

Mayor Burrows stated that legal counsel is investigating options into restoring prayer in the near future, should the Council so choose.

Mayor's Report

Mayor Burrows reported that Mr. Hansen had attended a meeting regarding the sales tax issue. He stated there are a couple of aspects that have implications for Riverdale City, which will need to be addressed during the Strategic Planning process. He stated there is the definite need to consider piggybacking with some unified lobbying efforts during the upcoming legislative session. He stated this is a necessity, because of the deferral on streamlined sales tax that the legislature is planning to act on and have ready for July 1, 2005.

Mayor Burrows stated although they have recognized there were serious implications on many smaller businesses that dealt with things other than home furnishings and building materials that are typically delivered away from the store; the concept really creates burdens and hardships for other business such as floral and pizza delivery. Nonetheless, that is a point of sale/point of delivery issue. Mayor Burrows clarified that streamlined tax will provide an opportunity for the state to capture sales tax on Internet purchases. He stated anticipated fiscal impact statewide is from 4-5% to 12-13% of sales tax revenues to the state (which could be a positive).

Mr. Hansen stated in order to do a streamlined sales tax to deal with this issue; it may require a single tax rate for sales tax to be applied across the state. He explained that currently, there are 92 different tax rates that are applicable across the 29 counties because of all different types of

taxing. He stated this legislature will insist on one tax rate, and although he has not yet viewed draft legislation, it appears to be shaping up to about 6.65%. He stated this would lead to eventual phasing out of special collections for RAMP, and any bonding would be dealt with through the new statewide rate.

Mr. Hansen stated there are outlying counties and cities that do not have mass transit and indication for those folks is that there will be some adjustment to "C" roads taxes. He stated for the last 21 years, there has been a provision that allowed for point of sale collection of revenues on the local option sales tax; currently 1% of the overall rate - of which the hold harmless arrangement guarantees that Riverdale City will never collect less than 3/4 of that 1%. The other $\frac{1}{4}$ is distributed by population to other communities.

Mr. Hansen stated there are many cities that have a fairness issue associated with the per capita basis. He stated there are some cities that now recognize the distribution issue. He clarified the first issue is the streamlined sales tax at one uniformed rate; and the second issue would be fairness in distribution. He stated the Utah League of Cities and Towns has formed a taxing committee; they have been working on the issue for about a year. However, now the Legislature is moving forward faster than the committee; and there could be serious implications. Mr. Hansen stated the idea on distribution is to freeze the dollar amount and then pick a base year where more cannot be collected unless the population increases.

Mr. Hansen stated another aspect of distribution that is more perplexing to some and not others involves big box deals. He stated not only would this take distribution and freeze the dollar amount, but if another big box is built, a single retailer with over 80,000 sq. ft., two anchor tenants that share a common area, grocery store over 30,000 sq. ft., car dealership, etc. - if any of these open up in the future - the money is distributed to those stores based on population. Mr. Hansen stated this has really caused concern amongst big cities because of the disincentive for any city to be host to those types of markets. He stated the entire distribution issue is big and touchy and will have heavy bearing on strategically going forward, from a financial standpoint.

Councilor Haws arrived at this time (6:16 p.m.)

Mr. Hansen stated there is a Tax Committee meeting on January 10, 2005; and they are hoping to have draft legislation. He stated today they agreed that streamlined sales tax is inarguable, as well as the single rate issue; and the distribution issue is up in the air at this point. He stated there is not a consensus on an equitable distribution ratio or method - or even the freezing of the dollar amount; and there appeared to be unanimous disagreement on the big box hold harmless issue.

Councilor Jenkins stated perhaps such options would be appropriate if a city had a population that could increase and grow, but expressed concern that Riverdale is close to build out with no room to increase population. Mr. Hansen stated indeed 10,000 estimated maximum is a drop in the bucket on such distribution.

Mayor Burrows stated as an individual city, Riverdale is relatively powerless to have effect on this issue. He stated Sandy City has retained David Spatafore in a lobbying position to try and help them figure out where to come down on this issue. He stated he would suggest perhaps that

Riverdale join in that lobbying effort and expend funds to do so. Mayor Burrows stated he does not know of a City in the State of Utah that is more of a "poster child" for this issue than Riverdale; mostly due to small population and great commercial base.

Councilor Gibby discussed long term implications, stating operating in an anti-business method leads to the entire state going into a downward economic spiral.

Mayor Burrows stated this report is merely information for the Council. He stated Riverdale has not officially joined into the lobbying effort, but would like to.

City Administrator's Monthly Report

Department Information

Mr. Hansen referenced the November monthly report and noted that it includes highlights of activities and additional information which he hopes continues to be worthwhile.

Employee Recognition

Mr. Hansen indicated that he would like to formally recognize the following employees and noted their years of service as follows:

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|--------------------|----------------|----------|
| • Lynn Moulding | Public Works | 25 years |
| • James Ebert | Police | 13 years |
| • Chris Stone | Administration | 12 years |
| • Stephanie Bishop | PT - Fire | 3 years |
| • Matthew Slater | PT - Fire | 3 years |

Mr. Hansen indicated that tonight is a special night, as he would like to recognize Lynn Moulding for 25 years of service to the City. He stated this is significant and commendable. He stated Mr. Moulding has earned a great deal of respect for the service he provides, both personally and on behalf of his department. Mr. Hansen stated the Department of Public Works does enjoy favorable citizen survey ratings, and certainly, Mr. Moulding is a pleasure to work with. He stated in keeping with the initiated 5, 10, and 15-year employee recognition - the award is a certificate good for dinner and a movie.

Mr. Hansen stated in the case of those who reached 20 years, administration determined it may be a good idea to recognize an equivalent value of \$10 per year in addition. He stated he hopes this concept is agreeable to the City Council, and just wanted to make them aware of his intent. He stated there are approximately 8 employees on the staff with 20 or more years of service. Mayor Burrows and Larry Hansen then presented Mr. Moulding with his appropriate award. Mr. Moulding inquired if he was eligible for "5 years off for good behavior".

Mayor Burrows stated he feels the monetary recognition of \$10 per year to be a small token in comparison to these people who put in so much time and effort to facilitate the City. He stated feedback from the citizens gets better each year as to how they perceive accomplishment of what is supposed to be done for them. Mayor Burrows stated he appreciates his staff.

City Recorder's Report

Mayor Burrows noted the two follow-up items on the report as directed by the City Council.

Common Consent Items

Approval of Meeting Minutes

Mayor Burrows stated the Council has been presented with the Work Session and Regular Meeting minutes of November 16, 2004; Public Information Meeting minutes of November 17, 2004; and Strategic Planning Meeting minutes of November 20, 2004.

Approval of Business License Applications

Mayor Burrows explained the Council has been presented with one new and one new home occupation business license.

Report on Condition of the Treasury for the month ending November 30, 2004

Mr. Lynn Fortie referenced the Report on Condition of the Treasury as dated November 30, 2004. He referenced expenditures for storm drain water and the Senior Center facility, as well as payment in Capital Projects to Wilbur Smith for the Transportation Master Plan and expenditure for Carpenter Ranch storm drain project. Mr. Fortie referenced amount of money on hand, for the month ending November 30, 2004, and year-to-date. He stated one positive thing is that the yield in the Public Treasurer's Investment Fund, although still low, is increasing.

Motion Councilor Gibby moved to approve the consent items as presented. Councilor Jenkins seconded the motion. The motion passed unanimously.

General Plan amendments & removal of the 90-day window/demarcation zone boundary line

Mr. Daily reported the Planning Commission gave consideration of review of the proposal to establish a zone boundary line separating residential from commercial for the property between 700 West and 900 West and 4400 South and 4450 South; including a draft ordinance for regulating the commercial area north of 4450 South Street. He stated their recommendation was to request additional time for study at the location as well as uses of the proposed zoning line. Mr. Daily stated they have indicated they will have a recommendation for the City Council by their second meeting in January to formally address the actual boundary line at that time.

Mr. Daily addressed the 90-day window for applications in the areas affected by the General Plan review, as approved by the City Council on March 2, 2004. He stated his recommendation is that this term has expired and the window should be formally removed. He stated there is no threat of any pending development, and the area is within the RDA area and all uses would have to have RDA approval. Mayor Burrows stated he appreciates Councilor Haws bringing the issue at hand forward, and stated he feels the proper thing to do is take action to remove the 90-day window.

Motion Councilor Gibby moved to remove the 90-day development review window on the General Plan as established at the March 2, 2004 City Council meeting. Seconded by Councilor Haws. The motion passed unanimously.

Councilor Jenkins expressed concern that in addition to this particular area, there are other areas that she feels are in need of update and the City Council needs to move forward with making those adjustments to the General Plan. Mayor Burrows stated he would agree. He recommended this item be placed on the City Recorder's report to ensure timely action.

2005 Annual City Council Meeting Schedule

Mayor Burrows referenced the proposed 2005 Annual City Council meeting schedule, stating the first three months of the year have additional meetings to enable review of the various RDA areas. He stated these amendments and new areas have a tight timeframe and legal procedures associated that may require additional meetings. He stated if these are not necessary, they will be canceled.

Motion Councilor Hadden moved to approve the 2005 Annual City Council Meeting Schedule as proposed. Seconded by Councilor Gibby. The motion passed unanimously.

Appointed & Elected City Officials Information

Mayor Burrows presented a chart illustrating terms of appointed and elected City officials, stating this is an information item to make the Council aware of how much time is remaining in various positions held by various individuals. He stated there is actually one position that has expired, and he has not yet had the opportunity to talk to this individual regarding reappointment (David Hall, Board of Adjustment). He stated this Board has not convened for some time, so it has not been a priority.

Councilor Jenkins inquired as to the Board of Adjustment membership; specifically, Planning Commission representative. Mayor Burrows offered clarification that this Board has historically appointed one member from the Planning Commission to serve as a representative.

Resolution #37-2004 adopting a tax increment agreement between Riverdale City and the RDA

Mr. Hansen explained the RDA desires to pursue additional tax increment for the specific purpose of recreational and cultural facilities. He stated if the City enters into this agreement, the RDA in turn will request that increment and pledge the increment they receive under this provision in the law to reimburse the City for expenses up to the amount of increment they receive for this purpose. The City is basically agreeing to move forward with the planning and construction of recreational facilities that will allow the use of this increment.

Mr. Hansen reviewed Exhibit "A", list of pre-July, 1, 1993 Project areas; and Exhibit "B", description of recreational and cultural facilities. He stated this is merely an opportunity for the RDA to obtain some funding that would lighten the burden on the capital projects budget of the City and contribute to these types of cultural projects. He stated staff would recommend adoption of the proposed resolution authorizing the City to enter into this agreement with the RDA to allow pursuit of this additional increment.

Councilor Brough referenced Exhibit "B", stating in comparison to the Citizen Survey she would have a problem with the specifics on cultural facility. She stated neither the City Council nor citizens have indicated an amphitheater as being a priority, and she would prefer to strike such detail. Mayor Burrows stated options would still remain, and he does not see a problem with including such detail. Councilor Brough stated this Exhibit is to be utilized and the increment pledged; and is too specific in comparison to strategic planning of the City.

Motion Councilor Brough moved for approval of the Additional Tax Increment Agreement between Riverdale City and the Redevelopment Agency; including amendment to Exhibit "B", the Cultural Facility language. Seconded by Councilor Hadden.

Mr. Feil addressed the Council, stating he would like to comment before their vote is taken in effort to provide reasoning for specifics within the exhibits. He stated in order to make the pledge as real and defensible as possible in case of challenge and in order to appear not too vague - specifics are included. He stated reasons are outlined, yet there is also the effort to remain flexible. He stated this additional tax increment is a hot button, and there is already a proposal at the legislature this year to try and push the start dates for these projects.

Mr. Feil stated currently, the projects are to commence construction by June 30, 2006; and the proposal is to cut back to January 1, 2005. He stated there is the hope to negotiate for June 30, 2005; and although compromise may come out of the legislature, he is hoping it will be left as is or at least protect those agencies that have already made substantial or real pledges with a contract between the City Council and the RDA. Mr. Feil stated at some point, these projects will have to become real fairly quickly in order to qualify.

Councilor Brough stated she would still have trouble with the specifics of the amphitheater, when discussions have been ongoing for long periods of time regarding projects such as ball fields. Mr. Hansen stated the City could lay a pad of cement and a few split logs on the ground and call it an amphitheater. He stated the remaining bulk of the funding could go to the trails system or community center. He stated the provision under the law does allow for recreation and cultural, and the attempt has been made to simply show a scope of things to address. Mr. Hansen stated there is no tie to dollar amounts.

Mayor Burrows stated there is the need for a permanent stage at the City Park to facilitate the July 4 Old Glory Days celebration, as well as utilize the natural amphitheater hillside. He stated this would not take bunches of money and he does not feel such a project to be inappropriate. Councilor Gibby stated he feels the arts receive very little attention, and having such a project included in the exhibit actually allows Riverdale to be championed by those much more favorable to the arts. He stated if anything, he feels this to address the kinds of issues and needs for Riverdale and yet does not remain one sided.

Councilor Jenkins discussed the need for more variety. She stated the citizen survey revealed the residents overwhelmingly would like a pool, and yet that is not even included as a possibility. She stated she feels asking for an amphitheater to be premature, considering the residents are asking for a pool. Mr. Hansen stated he feels there is broad enough language proposed, including opportunities to legitimately capture funding and put it to good use so as not to bind the capital projects budget, where there is the ability to make improvements with this other funding.

Councilor Brough stated when the language states the increment is to be used and is pledged to include such projects - does this require these projects have to actually be done. Mr. Feil explained the only party that could claim some type of breach of contract for obligation of development would be the RDA Board. He stated the pledge can be softened, but perhaps at the risk of challenge.

Councilor Gibby stated he feels this cultural facility compiles a complete and well-rounded document. Councilor Haws stated Councilor Brough is reading the exhibit as stating an amphitheater and other projects as listed will be built and in specific ways. He stated at the end, there are other statutorily eligible facilities that the RDA might authorize; but this document tends to at least indicate to the community at large that these projects may be undertaken as well as others in addition. He stated he would not disagree that having the amphitheater specifics seems to imply the decision has been made, and the Council has never discussed this project as a group.

Mr. Feil suggested alternate language on Exhibit "B" referencing cultural, as "subject to approval of the City Council at its option a cultural facility". He stated this would result in a less definite pledge, subject to a later decision. He stated cultural facilities could be defined such as "construction of an amphitheater or similar structure to be determined".

Motion Councilor Brough moved to amend the original motion, Exhibit "B", to include the language as follows, "Construction of a structure such as an amphitheater with stage for public performances or similar structure to be determined and subject to approval of the City Council; either in conjunction with or in addition to the city's existing park system or the river trail system with various improvements, including but not limited to site grading, and rest rooms". Seconded by Councilor Hadden.

Roll call vote. Councilor Haws, Yes; Councilor Jenkins, Yes; Councilor Hadden, Yes; Councilor Brough, Yes; and Councilor Gibby, No. The motion passed 4-1.

Motion Councilor Gibby moved for approval of Resolution #37-2004 adopting an agreement between Riverdale City and the Redevelopment Agency of Riverdale City providing for Additional Tax Increment. Seconded by Councilor Haws.

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

RDA Board Meeting

At this time, Mayor Burrows proposed to recess the City Council in favor of the RDA meeting agenda; to address the public hearing and other items of public interest.

Motion Councilor Gibby moved to adjourn from the regular City Council meeting and reconvene as the Redevelopment Agency Board at approximately 7:23 p.m. Seconded by Councilor Brough. The motion passed unanimously.

Regular Council meeting reconvened at 8:05 p.m.

Ordinance #641 adopting the second amended "1050 West Neighborhood Development Project Area Plan, Second Amended Project Area Plan, January 25, 1993, as amended

Mr. Hansen stated now that the RDA Public Hearing process is complete, Council consideration is necessary for adoption of the second amended project area plan entitled "1050 West Neighborhood

Development Project Area Plan, Second Amended Project Area Plan, January 25, 1993, as amended December 21, 2004."

Motion Councilor Brough moved for approval of Ordinance #641 adopting the second amended project area plan entitled "1050 West Neighborhood Development Project Area Plan, Second Amended Project Area Plan, January 25, 1993, as amended December 21, 2004." Councilor Gibby seconded the motion.

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

Discretionary Business

Further consideration of 2005 Annual City Council Meeting Schedule

Motion Councilor Brough moved to amend the previously adopted 2005 Annual City Council Meeting Schedule - to match the adopted 2005 Annual Redevelopment Agency Board Meeting Schedule (including additional meetings and amendment to the November meeting date). Seconded by Councilor Gibby. The motion passed unanimously.

Ribbon of Hope Project - National Hospice Month

Councilor Brough stated she has received inquiry from citizens wondering about the purple ribbons that are tied all over the City. Mayor Burrows explained these are tied throughout many communities. He explained they are part of the nationwide Ribbon of Hope Project. He explained there are many people who go without the benefit of a hospice provider during a time of physical decline - and the ribbons are to facilitate awareness to the fact that November is National Hospice Month.

Mayor Burrows stated he works for a Hospice, and this is just an effort to heighten awareness of a medical benefit that is rarely taken advantage of. Councilor Gibby stated he receives hospice care for his in-laws, and it makes a huge difference in both their lives as well as their caregivers. Councilor Brough stated her family has benefited from hospice care in the past, and she would like to see more media coverage on these types of programs.

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Brough seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:15 p.m.

Attest:

Approved: January 4, 2005

Cindi Mansell, City Recorder

Bruce Burrows, Mayor