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Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **May 20, 2008** at 6:03 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present:    Larry Hansen, Chief Administrative Officer; Steve Brooks, City Attorney; Randy Daily, Community Development Director; Lynn Moulding, Public Works Director; James Ebert, Police Lieutenant; Doug Illum, Fire Chief; Lynn Fortie, Business Administrator, Jody Burnett, General Counsel; Marilyn Hansen, City Recorder; other city staff and 21 citizens.

**A. Welcome & Roll Call**

Mayor Burrows called the meeting to order and welcomed all those present. He noted that all Councilmembers were present with the exception of Councilor Peterson who will join the meeting in progress.

**B. Pledge of Allegiance**

Mayor Burrows offered the Pledge of Allegiance. Mayor Burrows read a quote from Abigail Adams.

**C. Moment of Silence**

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

**D. Open Communications**

Randy Wilson stated that he wanted to clear up some misconceptions about Wildcat Storage. He reported that does not care if storage sheds come to the piece of property, but does care that that area including the proposed site and adjacent sites are engineered, studied and protected. He wants this done to protect his customers, the city and them. He thinks there are major flaws and problems that aren't being addressed and has taken it upon himself to investigate. He reported that he wishes them success and hopes they do what they are going to do and wants them to do it right. He stated that he wants the building to stand when water comes at them or the debris comes loose under the fill as they are the biggest target for the oxbow on the river. Mr. Wilson stated that he has photos of three times when the river jumped the bank and found the channels and that one channel is directed at the middle of this project. He reported that he has been with John Reeves and agrees that more studies need to be brought forward and agrees that the flood map needs to be redone. He stated that he has also been with Earthtek Engineering and showed him the problems. He feels this project should not be approved unless they seriously look at these issues that will affect this property.

Bonnie Jones reported that as the Riverdale City Code Enforcement officer she offered to help on a code enforcement problem and felt it was unfair when they slung mud at the Mayor.

Marty Reynolds reported that he has to agree with Mr. Wilson, in that he doesn't care if there are storage units anymore, but that he is concerned about what will eventually happen with the river overflowing and wants to reiterate that all the studies are done. He stated that he would hate to see the citizens sitting in there when their basements are flooded and asked the Council to take this into account.

Braiden Mitchell reported that he has lived in Riverdale for 15 years and that he loves Riverdale and the people. He stated that he knows there is a fight over the storage sheds and doesn't care if they go in there, but wants the City Council to know how much they rely on them. He stated that he doesn't have time to research the laws and doesn't know anything about geotek engineering and that the residents rely on the Council to make the right decision. He reported that he was shocked when he read the news article about the flood insurance. He stated that he doesn't know what is going on down there but that there are a lot of nervous people.

**E. Presentations and Reports**

**1. May 18-24 as Public Works Week Proclamation**

Mayor Burrows read the proclamation proclaiming May 18-24 as National Public Works Week and presented it to Lynn Moulding, Public Works Director.

**2. Mayor's Report**

Mayor Burrows reported that Police Chief Dave Hansen is recuperating as well as can be expected after the accidental shooting incident. He read a press release regarding the incident and indicated that it will be his Mayor's corner article in the next newsletter. He stated that he has known Chief Hansen for a long time and has taken the very class that was being taught and that every procedure was followed. He stated that in looking at the programs that are taught by other individuals, Chief Hansen goes further to teach and make sure that everyone knows what is going on. He reported that it was an unfortunate accident and that they wish him well. He stated that the City will wait for Weber County to give them back their findings before moving on with this incident.

**3. 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 May.

<b>Employee</b>	<b>Length of Service</b>	<b>Department</b>
Vicky Barrett	23 years	Public Works
Shawn Douglas	17 years	Public Works
Tracy Bessinger	10 years	Fire
Bonnie Jones	10 years	Police
Sheila Mitchell	8 years	Business Administration
Abe Torres	2 years	Public Works
Marie Alvord	2 years	Community Development
Cody Wade	2 years	Public Works
Darren Berens	1 year	Business Administration

**c. Staffing Authorization Plan**

Mr. Hansen discussed the report.

4. Recorder's Report (*Review status of Council requested follow-up items*)  
None

**F. Consent Items**

1. **Approval of meeting minutes from:**  
**May 6, 2008 Council Work Session**  
**May 6, 2008 Regular City Council**

2. **Report on Condition of the Treasury for the month ending April 30, 2008**

Lynn Fortie gave an overview of the report.

**Motion:** Councilor Gibby moved to approve the consent items. Councilor Griffiths seconded the motion.

**Call the Question:**

The motion passed unanimously.

**G. Action Items**

1. **Consideration of Resolution 2008-16 adopting changes to the HR Personnel Policy Manual, Section 9-13 Life and Disability Insurance and Section 11-3 Fair Labor Standards Act.**

Lynn Fortie reported that the change to Section 9-13, Life and Disability insurance is a housekeeping item as it referred to the City paying 100%, which has never been the case. He reported that the change in Section 11-3 Fair Labor Standards Act changes the definition of the work week as there were some situations in the Public Works Department where changing the work week was beneficial.

**Motion:** Councilor Gibby moved to approve Resolution #2008-16 adopting amendments to the Riverdale City Personnel Policies & Procedures Handbook. Councilor Hunt seconded the motion.

**Call the Question:**

**Roll Call Vote:** Councilor Jenkins, Yes; Councilor Griffiths, Yes; Councilor Hunt, Yes; and Councilor Gibby, Yes. The motion passed unanimously.

2. **a. Consideration of taking Resolution #2008-08 off the table.**

Mayor Burrows stated that Resolution #2008-08 was placed on the table to get a review by the state Attorney General's office and reported that has been done and as a result they have incorporated some language in the agreement that the Attorney General had suggested. He reported that he recommends taking this Resolution off the table.

**Motion:** Councilor Jenkins moved to take Resolution #2008-08 off the table. Councilor Gibby seconded the motion.

**Call the Question:**

The motion passed unanimously.

**b. Consideration of Resolution #2008-08 approving a business license agreement for Riverdale Dinner & Bingo.**

Jody Burnett reported that this business license agreement was originally considered at the April 1, 2008 City Council meeting and as per their direction he has met with the Attorney General's office for direction and went over the agreement with them. Mr. Burnett reported that their questions were good and led to changes in the agreement. He stated that the Council had previously focused to ensure that customers who wanted to play for free were able to do so on equal footing with paying customers, but stated that doesn't mean the paying customers aren't gambling. He reported that he has spoken to other jurisdictions that had internet cafés where a customer could go in and play video machines and cash in without ever purchasing a product, which isn't a promotion but is gambling. Mr. Burnett explained that our circumstances are different as lunch and dinner can be purchased to play bingo and phone and internet minutes can be obtained to play the video machines. He stated that with the additional changes, he recommends the agreement for approval and believes, if the business is operated in the fashion as outlined in the agreement, it is not gambling.

**Motion:** Councilor Hunt moved to approve Resolution #2008-08 authorizing the acceptance of an agreement concerning the business license of Riverdale Dinner and Bingo. Councilor Gibby seconded the motion.

**Call the Question:**

**Roll Call Vote:** Councilor Griffiths, Yes; Councilor Hunt, Yes; Councilor Gibby, Yes; and Councilor Jenkins, Yes. The motion passed unanimously.

**3. a. Consideration to re-consider motion approving the final site plan for Wildcat Storage, located at 3490 Parker Drive.**

Steve Brooks reported that this item no longer needs formal action as the approvals that were required in the original motion for final site plan approval have been received. Randy Daily reported that he talked with the Army Corps of Engineers and they don't have an issue with the fill. He recommended that the Council allow the petitioner to proceed with the understanding that the wetlands still need to be protected and will need proper permitting. Mr. Daily reported that a review of the FEMA flood hazard area has been completed by the Coordinator and it has been determined that the property is not in violation. Mr. Daily stated that there is no threat of FEMA coming in and taking away the standing that the City has with them under the flood insurance rate map and reiterated that the residents can purchase flood insurance. Mayor Burrows reported that he recalled water in this area before the River Glen Subdivision was ever built and prior to any fill being brought in. He stated that Mr. Wilson had some good points and that no one wants to see that area flooded. Councilor Gibby inquired if Mr. Daily is saying that the condition on the prior approval has been met and that the final site plan approval will stand. Mr. Daily replied yes and that approval will allow the developer to proceed with development of the property and permit process.

Councilor Peterson arrived at 6:54 p.m.

Jody Burnett reported that at the March 4, 2008 City Council meeting the final site plan was granted subject to the condition that the City try to verify those third party approvals from the Army Corps of Engineers and state FEMA officials. He stated that the only reason to have it on the agenda was in the event they didn't get clarifications to have the project go forward. He stated that the second component was that the City recognizes that they are not entitled to delineate wetlands. He stated that there is no need for further council action, but that they are reporting that those conditions have been met so the City can issue the building permit.

**b. Re-consideration of motion approving the final site plan for Wildcat Storage, located at 3490 Parker Drive.**

**4. Consideration of final site plan for the Parks Riverwalk Subdivision located at 4345 South 600 West.**

Randy Daily reported that the final site plan has been reviewed by the Planning Commission and that the development has met all the requirements in the PRUD ordinance and that the Planning Commission recommends approving the final site plan. He stated that the developer has done all the studies and will have to provide elevation certifications on those lots that are in the floodplain. Councilor Jenkins stated that she has concerns regarding the open space and who will maintain that area as that property belongs to the City. Mr. Daily reported there are areas outside of the PRUD that the City felt were necessary to maintain because it is an entrance to the development. He stated that Mr. Hill and Mr. Parks have agreed to maintain this area as well as the emergency access road and gating of the kayak park. Councilor Hunt inquired about the fencing. Mr. Daily replied that the developer is going to fence the development as individual lots as they felt the back yards were not a common area and allow the buyers the ability to fence their own yards within the PRUD area in case they want pets. Councilor Jenkins suggested that the developer consider going with their original idea of a stone look for fencing as that area has a natural look to it. Mayor Burrows explained that fencing is not required as part of the permitting process. Lorin Parks stated that he has been looking at the fencing and that they are looking for an affordable bid. He explained that they would like to go with a rock wall, but that they are also looking at a vinyl fence that looks like stone. He reported that is probably the way they are leaning for the front part of the development, but in the back they are planning to do a white vinyl fence as this is common in the neighborhood. Councilor Hunt inquired as to who has access to the emergency access gate. Fire Chief Doug Illum reported that the Fire Department has the key. Mr. Daily reported that there is an addendum included in the information distributed to the Council that addresses maintaining the city owned property, emergency access is for use only by Riverdale City and installation of a gate at the Kayak Parking lot.

**Motion:** Councilor Gibby moved to approve the final site plan for the Parks Riverwalk Subdivision as a Planned Residential Unit Development. Councilor Peterson seconded the motion.

**Call the Question:**

The motion passed unanimously.

**5. Consideration of Resolution #2008-18 for the Parks Riverwalk Subdivision storm drain easement.**

Randy Daily reported that a storm drain easement from the City is required for the project to move forward. Councilor Jenkins inquired if the easement goes through the property that the City jointly

owns with the state. Lynn Moulding replied that it does. Councilor Jenkins inquired if they needed a letter from the state for approval. Steve Brooks replied that we would send notification and request that they put it back in a natural state.

**Motion:** Councilor Gibby moved to approve Resolution #2008-18 authorizing execution of an Easement Agreement granting a storm water line easement on property owned by Riverdale City and located within the City of Riverdale, Utah; particularly describing said easement of the terms thereof; authorizing and directing the mayor to execute and deliver on behalf of the City all documents necessary to complete this transaction with the Developer. Councilor Jenkins seconded the motion.

**Call the Question:**

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

**6. Consideration of Resolution #2008-17 adopting the Municipal Wastewater Planning Program 2007 Self-Assessment Report.**

Lynn Moulding reported that this is the annual report to be submitted to the state.

**Motion:** Councilor Gibby moved to approve Resolution #2008-17 adopting the 2007 Municipal Wastewater Planning Program Self-Assessment Report. Councilor Peterson seconded the motion.

**Call the Question:**

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

**7. Consideration of Resolution #2008-19 adopting a staff incentive.**

Larry Hansen stated that he is once again requesting approval for a staff incentive. He reported that there are two things slightly different this year from last year. The first one is the increased property taxes. He reported that the actual property tax increase is \$130,000 and that the current surplus projection is slightly over \$800,000. He stated that Mr. Fortie is anticipating a \$500,000 transfer from surplus to Capital Projects, which is four-fold to the property tax increase. He stated that secondly, FY 2008 was a much more difficult budget year than FY 2007. He reported that in the three years since the action plan was implemented, he has seen a significant improvement in the culture among the departments. He stated that he feels it is important, in some small but meaningful way, to incentive and nurture that camaraderie between departments. He proposed a 1.5% incentive, across the board, to be paid on June 30<sup>th</sup>. He noted that this request is smaller than last years 2% and that the percentage of the surplus is smaller than last years.

**Motion:** Councilor Gibby moved to approve Resolution #2008-19 adopting a special one-time employee incentive consideration for Fiscal Year 2007-2008 Councilor Peterson seconded the motion.

**Call the Question:**

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

**H. Discretionary Items**

Mayor Burrows suggested that if any Councilmembers have ideas that they would like to bring up under Discretionary Items, that they let the Mayor know so that it could be put on the agenda under Discretionary Items. He stated that this would give staff time to do research, if necessary, and that the Council could then give consensus to place the item on a future City Council agenda.

Steve Brooks stated that the City's report on Police Chief Dave Hansen is complete and was released to the newspaper this afternoon and that he will forward a copy of the report to the Council. He suggested that inquiries be funneled through him and continue to have no comments until he hears from the County Attorney on their investigation.

**I. Adjournment**

With no further business to come before the Council at this time, Councilor Peterson moved to adjourn the meeting. Councilor Gibby seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:41 p.m.

Attest:

Approved: June 3, 2008

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Marilyn Hansen, City Recorder

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Bruce Burrows, Mayor