
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **July 1, 2008** at 6:06 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Excused: Gary Griffiths, Councilor

Others Present: Larry Hansen, Chief Administrative Officer; Steve Brooks, City Attorney; Randy Daily, Community Development Director; Lynn Moulding, Public Works Director; Dave Hansen, Police Chief; Doug Illum, Fire Chief; Lynn Fortie, Business Administrator, Marilyn Hansen, City Recorder; other city staff and 6 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 Griffiths.

B. Pledge of Allegiance

Councilor Peterson offered the Pledge of Allegiance. Mayor Burrows read a quote from John Adams.

C. Moment of Silence

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

D. Open Communications

Clay Ellison, co-owner of the Piano Gallery on Freeway Park Drive reported that they have been in business since 1997. He stated that it has been brought to his attention that there is a proposed billboard to be placed on the Freeway Park corridor and he wants to object. He explained that they bought the property for their business because of the freeway visibility and anything that could jeopardize visibility would be a nuisance and impede their ability to do business. He reported that 25% of their business comes from people driving by. Mr. Ellison stated a couple of years back they had a reader board sign in front of their store and had to follow Riverdale ordinances. He feels it is unfair that a billboard company can be excluded from those same rules, when they have been in the City doing business for all these years. He reported that it has been inferred that they have a relationship with Reagan signs, and stated that is not true and that they are opposed to the sign.

E. Presentations and Reports

1. Mayor's Report

Mayor Burrows stated that he gave a short report on the progress with continuing the funding activities for the balance of Riverdale Road in the Council Work Session. He reported that possible funding

sources have been identified and that State Representative Brad Dee has been working hard on this issue. Mayor Burrows discussed the activities for Old Glory Days that will be held July 4, 2008.

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

F. Consent Items

1. **Approval of meeting minutes from:
June 17, 2008 Council Work Session
June 17, 2008 Regular City Council**

Motion: Councilor Gibby moved to approve the consent item. Councilor Peterson seconded the motion.

Call the Question:

The motion passed unanimously.

G. Action Items

1. **Consideration of Resolution #2008-29 adopting changes to the HR Personnel Policy Manual, Section 11-7 Time Reporting.**

Lynn Fortie reported that in the past, a change was made changing the phrase "personal leave" to "sick leave" and that change was missed in this section.

Motion: Councilor Peterson moved to approve Resolution #2008-29 adopting amendments to the Riverdale City Personnel Policies & Procedures Handbook. Councilor Jenkins seconded the motion.

Call the Question:

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

2. **Consideration of Resolution #2008-26 adopting the Certified Tax Rate.**

Lynn Fortie reported that the Certified Tax Rate for 2008 is .001292 and will generate revenues of \$538,063 for FY 2009. He stated that the tax rate for 2008 was lower than the tax rate for 2007, which was .001339.

Motion: Councilor Gibby moved to approve Resolution #2008-26 adopting a Certified Tax Rate for the City of Riverdale for Fiscal Year 2009 (July 1, 2008 – June 30, 2009). Councilor Peterson seconded the motion.

Call the Question:

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

3. **Consideration of Resolution #2008-31 Merkley Property Exchange**

Steve Brooks stated that Mr. and Mrs. Merkley own property that is next to a pond and the City trail near the "Woods" property. He reported that Lynn Moulding requested an easement from the Merkley's to gain access to the pond. He explained that the proposal is to take Parcel B (owned by

the Merkley's) and subtract it from Parcel A (owned by the City), with the Merkley's paying the difference and the City would then own Parcel B allowing for full access to the pond. Mr. Brooks reported that the Merkley's requested that the City agree not to build any fences or a trail on Parcel B if the exchange takes place. Lynn Moulding stated that this property exchange would allow the City to clean up the pond and try to make it look better.

Motion: Councilor Peterson moved to approve Resolution #2008-31 agreeing to a property exchange between Dan and Shelley Merkley, and Riverdale City and a Restriction Agreement on traded property piece. Councilor Gibby seconded the motion.

Call the Question:

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

4. Consideration of Ordinance #707 rezoning from MP-1/Light Planned Manufacturing and C-3/Commercial to C-3 Commercial, approximately located 700 West Riverdale Road.

Randy Daily reported that this property is currently zoned both MP-1 and C-3. He stated that the property is going to be developed as one zone and the Planning Commission felt that the entire parcel should be zoned C-3.

Motion: Councilor Jenkins moved to approve Ordinance #707 amending the Riverdale City Zone District Map by changing the zoning of 2.44 acres of land located at approximately 705 West Riverdale Road, from MP-1 (Planned Manufacturing) to C3 (Commercial 10-10A), all of which is within Riverdale City, State of Utah. Councilor Gibby seconded the motion.

Call the Question:

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

5. Consideration of Ordinance #708 for subdivision approval at 4040 Pacific Avenue.

Randy Daily reported that he received a request from the property owner to subdivide this property into two parcels. He stated that there will be a reciprocal agreement recorded with the subdivision in order to ensure that parking and cross access won't be an issue.

Motion: Councilor Hunt moved to approve Ordinance #708 approving a commercial subdivision for the Hollander Development located at 4040 Pacific Avenue in the City of Riverdale, providing for severability and an effective date. Councilor Gibby seconded the motion.

Councilor Peterson inquired if subdividing the property would continue to meet the landscaping and parking requirements. Mr. Daily replied that it will meet the requirement for parking but that the parcel has never has meet the landscaping or front set back requirements. Councilor Jenkins stated that once the footprint changes for either building then the landscaping requirements would come into play and could be improved. Mr. Daily replied that if there were changes, they would then have to comply with the landscaping ordinance.

Call the Question:

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

6. Consideration of billboard at Freeway Park Drive.

Randy Daily reported that the City Attorney feels that this request needs to be addressed using the old sign ordinance. He stated that the Planning Commission denied the petitioner's request for a Conditional Use Permit at their last meeting. He explained that the request is to place a billboard on property owned by the Utah Transit Authority (UTA) and feels that UTA needs to represent this in some way. He stated that this should be a site plan amendment and not a conditional use request. Mr. Daily displayed a map of the property and indicated where the sign is proposed to go. He reported that Riverdale City has been given jurisdiction of Freeway Park Drive by UDOT and maintains the road. Mayor Burrows reported that he has received comments that there are already too many billboards in Riverdale and stated that this is an area where billboards haven't been allowed. Councilor Peterson inquired how deep the Piano Gallery building is. Mr. Ellison replied that their building is about 100 feet deep. Councilor Peterson stated that the proposed sign is 48 feet deep it is roughly one-half as big as the side of the Piano Gallery building. Mr. Ellison stated that the proposed sign would eclipse their building from the north side and that the signage in front of their store could be impeded. Councilor Jenkins reported that she feels that more time is needed in order to work with the Planning Commission findings and to be mindful of legislation that guides them through conditional use issues, rather than making this an opinion of the Council. She stated that she would like to see the Legal and Community Development Departments work together to see what is in the best interest of Riverdale City. She stated that she would prefer to table this item and spend the appropriate amount of time to look at this issue and get the additional stakeholders involved. Councilor Gibby stated that there is no question that the proposed signage would have a negative impact to those businesses on Freeway Park Drive and he feels that Reagan is being a poor citizen. Councilor Hunt stated that it seems like an unfair advantage, if Freeway Park Drive is considered an I-15 corridor, to place a sign that would block the signage of other businesses. Steve Brooks reported that ambiguity still exists as to what makes up the I-15 corridor and that it will boil down to what definition is used. Mr. Daily reported that he has talked to UTA and discussed the City's concerns pertaining to the proposal and how it changes their property. He stated that UTA told him that this was something that generated revenue and that Reagan Outdoor Advertising felt they needed this location because they were losing another location in Riverdale, but Mr. Daily stated that isn't true. Councilor Peterson stated that he sees no ambiguity as to the I-15 corridor, as Freeway Park Drive is not adjacent to I-15, but is on the other side of the road. He reported that he is sure they will press the case with their attorneys, but feels there is no ambiguity and that it would not resolved in Reagan's favor. He feels that the City needs to do more due diligence before they act on this request.

Greg Simonson, Attorney for Reagan Outdoor Advertising and Vice President of the Board of Trustees for the Utah Transit Authority spoke. He stated that he is here representing Reagan Outdoor Advertising and he knows that UTA has signed a valid and binding lease for the proposed sign. Mayor Burrows reported that UTA has never contacted the City about any leasing of that property, and they would need to formally request a Conditional Use Permit. Mr. Simonson replied that the lease is contingent of getting approval of the City and then the lease is binding if the Conditional Use Permit is given. He stated that the sign doesn't go up until they have a permit. Councilor Peterson stated that UTA is the landowners that should be applying for it. Mr. Simonson stated that he disagrees as they have an interest in the land and would be the sign owner. He stated that he would support the idea of tabling this item because there is so much misinformation from the

placement of the sign and the legitimate concerns of the business owner. He reported that they would work with the business owner as they don't want their sign blocked any more than his sign. Mr. Simonson suggested getting a crane and hoisting up a screen that would be the same size as the sign and take some photo's for the Council to decide on. He stated that he understands that the other businesses have been there for a long time, but that UTA and Reagan have a right to use their businesses too. He stated that the law of Riverdale City is that these signs are a Conditional Use along the I-15 corridor and that it is equally clear to him, in the other direction from what Councilor Peterson is saying, that it is in the I-15 corridor legally. He reported that he doesn't think additional time will clarify it and that the courts are very clear that if there is any ambiguity then that is resolved in favor of the property owner, and the property owner is the applicant and will be resolved under the law for Reagan Outdoor Advertising. He stated that they do want to be a good citizen and will work with the neighbor but that it is pretty tough to come in and listen to everyone blast Reagan at the outset before he could say one word.

Councilor Jenkins stated that she took all of those things into consideration and doesn't feel that she blasted Reagan Sign but was taking all things into consideration. She feels she needs additional information and that there are a lot of stakeholders in the area. She feels other issues are safety issues, traffic studies, and UTA involvement as well as the possibility of dealing with a site plan amendment. She stated that she would like to table this issue and look at the issues in detail and is sure that staff will be more than happy to get the City Council any additional information that they need.

Motion: Councilor Jenkins moved to table the item in order to gather more information. Councilor Peterson seconded the motion.

Call the Question:

The motion passed unanimously.

7. Consideration of awarding the bid for Riverdale Park, Parker Drive and 900 West Roadway Improvement Projects.

Lynn Moulding reported that a bid opening was recently held for street improvement projects. He stated that the low bidder was Granite Construction Company for \$384,000. He recommended approving the bid.

Motion: Councilor Peterson moved to approve the bid for Riverdale Park, Parker Drive and 900 West Roadway Improvement Projects to Granite Construction in the amount of \$384,000. Councilor Hunt seconded the motion.

Call the Question:

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

8. Consideration of Resolution #2008-30 approving an Interlocal agreement with South Ogden City for animal shelter services.

This item was withdrawn. Mayor Burrows asked for consensus to continue negotiations with South Ogden City. Consensus was reached.

9. Consideration of approval for police fleet purchase.

Police Chief Dave Hansen reported that the FY 09 budget included the purchase of a new fleet of patrol vehicles for the Police Department. He stated that he is seeking approval to order and purchase the vehicles and equipment for that fleet. Councilor Gibby inquired why the department chose to go with the Dodge Charger. Chief Hansen replied that they have had a lot of issues with the Ford vehicles and explained that there are three vehicles for police use: Chevy Impala, Ford Crown Victoria, and the Dodge Charger. Chief Hansen distributed a handout comparing the three vehicles and discussed why he feels the Dodge Charger would best suit their needs. Councilor Jenkins inquired about the color of the cars. Chief Hansen replied that they come in either black or white and is looking at options to make them two-toned black and white.

Motion: Councilor Gibby moved to approve the fleet purchase by the Police Department of the City of Riverdale for the vehicles as stated and the equipment to go on the vehicles, not to exceed \$440,652.96. Councilor Jenkins seconded the motion.

Councilor Hunt inquired if they were still going to purchase the K-9 truck since Koda passed away. Chief Hansen replied that they didn't have time to change the proposal between now and when the dog died and indicated that they want to get another dog. Mayor Burrows stated that he is supportive of getting another dog.

Call the Question:

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

10. Consideration of approval for fire vehicle purchase.

Fire Chief Doug Illum reported that they surplus a 1997 Dodge truck this year and is requesting to replace that truck with a new one. He stated that the truck was included with in the Police fleet bid in order to get a better price and he is requesting approval to purchase the vehicle, not to exceed the budgeted amount of \$30,000. Councilor Gibby stated that large trucks are dropping in price and wondered if it would be wise to shop around for a better deal. Chief Illum replied that it might be possible to get a cheaper truck if a dealer had one on the lot, instead of going with the State bid. **Mayor Burrows asked for consensus for Chief Illum to shop around for a better deal on the truck. Consensus was reached.**

Motion: Councilor Gibby moved to approve the Fire Department truck purchase, not to exceed \$30,000. Councilor Peterson seconded the motion.

Call the Question:

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

10. Consideration of Ordinance #709 to provide for electronic City Council meetings.

Steve Brooks reported that Utah State code provides for a municipality to hold an electronic meeting as long as it has passed an ordinance allowing for one. Mayor Burrows stated that he would like to have the ordinance include language that any votes that are taken when someone is attending via a remote location would be by roll call vote. He stated that he would also like to look into incorporating visual capabilities in the future. Councilor Peterson reported that he appreciates Mr. Brooks efforts as this will help move City business along when a quorum may not be feasible otherwise. Councilor Jenkins stated that some point of order decorum will probably need to be

established to ensure that the person not attending would know when they could participate in the discussion. Mayor Burrows stated that could be incorporated by meeting rules.

Motion: Councilor Peterson moved to approve Ordinance #709 establishing the authorization of and procedures for electronic meetings to conduct the business and affairs of Riverdale City with the amendments suggested by the Mayor. Councilor Jenkins seconded the motion.

Call the Question:

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

H. Discretionary Items

Steve Brooks reported that he was notified that the Weber County Attorney has completed their investigation on Chief Hansen. He stated that he doesn't have the report yet, but will release it to the Mayor and Council before releasing it to the press.

Councilor Jenkins thanked Lynn Moulding and Larry Hansen for getting the restrooms opened on the trail. She reported that she loves the tunnel under Parker Drive and is looking forward to having it connect to the rest of the trail. Councilor Gibby stated that residents have asked him when Ogden City will continue their portion of the trail. Mayor Burrows replied that he doesn't know but thinks that Weber Pathways could encourage Ogden City to finish the trail.

I. Adjournment

With no further business to come before the Council at this time, Councilor Peterson moved to adjourn the meeting. Councilor Jenkins seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:39 p.m.

Attest:

Approved: July 15, 2008

Marilyn Hansen, City Recorder

Bruce Burrows, Mayor