
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **May 19, 2009** at 6:00 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present: Steve Brooks, City Attorney; Lynn Moulding, Public Works Director; Dave Hansen, Police Chief; Doug Illum, Fire Chief; Lynn Fortie, Business Administration; Marilyn Banasky, City Recorder; other city staff and 5 citizens.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all those present. He noted that all Councilmembers were present and excused Larry Hansen.

B. Pledge of Allegiance

Mayor Burrows offered the Pledge of Allegiance. Mayor Burrows read a quote from Benjamin Franklin.

C. Moment of Silence

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

D. Open Communications

None

E. Presentations and Reports

1. Mayor's Report

None

2. Administrator's Report

a. Department Information

Mayor Burrows discussed the department information.

b. Employee Recognition

The following are employees whose anniversary date falls in the month of April.

<u>Employee</u>	<u>Length of Service</u>	<u>Department</u>
Vicky Barrett	24 years	Public Works
Shawn Douglas	18 years	Public Works
Tracy Bessinger	11 years	Fire
Bonnie Jones	11 years	Police

Abraham Torres	3 years	Public Works
Darren Berens	2 years	Business Administration

c. Staffing Authorization Plan

Mayor Burrows discussed the report.

F. Consent Items

- 1. Approval of meeting minutes from:
May 5, 2009 Work Session
May 5, 2009 Regular City Council**

- 2. Report on the Condition of the Treasury for the month ending April 30, 2009.**

Lynn Fortie gave an overview of the revenues and expenses for the month ending April 30, 2009.

- 3. Approval of the Invitation to Bid for Garbage Services Contract.**

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

Call the Question:

The motion passed unanimously.

G. Action Items

- 1 Consideration of Reagan Sign’s request to relocate a billboard to the RDA property on the West Bench.**

Steve Brooks reported that this matter was brought up a month ago and tabled at that time because Reagan Sign wanted to submit documentation regarding their proposal to drop their current litigation against Riverdale City on the approved billboard sign on Freeway Park Drive, if the Council would approve a full-size billboard on the RDA’s west bench property instead. He stated that if the Council approved the full-size billboard on the RDA property, the next step would be to have the RDA consider a Use Request for the property to allow the billboard. He stated that the representatives from Reagan are here and would ask that they be allowed to speak.

Councilor Gibby reported that when he looked at the documentation that was submitted by Reagan Sign and the proposed location of the billboard there are a couple of things that bother him. He stated that Reagan Sign indicates that having the billboard on City property will generate income for the City, but he feels that the amount of rental income from the billboard would be negligible and would jeopardize the value of the property to some degree. He stated that he is also concerned that the billboard would partially block the office building in the area and feels that would be doing a disservice to them and finally, he feels that a sign that size would effect the development of the entire West Bench area. Councilor Jenkins asked Mr. Brooks to weigh in on the lease agreement with the Gibby’s, as it appears that it doesn’t have much relevance to the City. Mr. Brooks replied that it was signed by Don Gibby and was not recorded with the County. He explained that because it wasn’t recorded, the lease agreement was not picked up on the title search and he doesn’t think the City should worry about that. He stated that there might be an issue between Reagan Sign and Don Gibby’s estate as Mr. Gibby has since passed on. Councilor Jenkins inquired if they had known about the lease, wouldn’t that have to be dealt with before the sale of the property. Mr. Brooks replied that there was an option with another sign company on the property that the power station sits on and was resolved prior to the sale, but the City didn’t know about this one.

Guy Larsen with Reagan Outdoor Advertising stated that the lease runs with the land and the City assumed the lease. He reported that they are not opposed to renegotiating the lease as it runs with the property. He noted that it is a 10 year lease with a 10 year unilateral option which means Reagan has the option to renew and the lease will continue to renew unless it is terminated. He stated that he respectfully disagrees with Councilman Gibby in that, if the billboard will be blocking the neighbors property, the building would be blocking the billboard and it wouldn't do any good to put one up there. He stated that they raised a panel up on this location a few months ago to see how it would look there. He reported that the billboard would provide income for the City and that they are not opposed to renegotiating the rental amount. Mr. Larsen stated that the neighbor to the north of the property is a power station and that he is not sure what the best use for the property is, as it is sitting next to a power station. He reported that they do advertising for cities on their billboards and would also offer that to the City. He stated that the biggest thing they are trying to do is to solve potential litigation and they have come up with an idea to try to make it a win-win situation. He noted that when they applied for sign on the south side of town, they were told the sign wasn't right for the area as there aren't other large signs there, but there are other billboards on the West Bench property. He reported that he thinks this is a great way to bypass litigation and that they are more than happy to renegotiate the lease and pay the city higher revenue and give advertising to Riverdale on the sign.

Councilor Jenkins stated that she is confused about his offer to renegotiate a lease as they don't have a lease with Riverdale to renegotiate because that the lease is with another party. She inquired if the City would be inclined to entertain Reagan's suggestion, wouldn't a new lease be drawn up. Mr. Larsen replied that it would be that one, as it runs with the land, and in spite of it not being recorded, there is still a legal document. He stated that there are ramifications for that provision in the contract not being upheld. He reported that they could sue the Gibby's and the outcome of that, is that Reagan comes out with property, not the City. Councilor Jenkins stated that their tone is threatening at every angle, whether it is the threat of litigation of the Freeway Park Drive area or underlying litigation on this piece as well. Mr. Larsen reported that he is not saying that if Riverdale doesn't do a lease they will sue and end up with a sign up there, but that one of the provisions of that lease is that they have the first right of refusal. He stated that the Gibby's knew about that and Reagan wasn't given the opportunity to purchase the property. He stated that he is not threatening the City and if he sues the Gibby's and wins and ends up with the property, there are negative things that could come from that. He stated that they are giving the City the opportunity to settle litigation regarding the sign on the other end of town. He stated that he has talked with Mr. Daily who said the land isn't that valuable as there are access issues. Councilor Peterson reported that he doesn't see any way how Reagan suing the Gibby's will get them the land. He stated that when they have an agreement on property, it is their obligation to have it recorded with the property and this was not recorded. He stated that when the City purchased the land, they also purchased title insurance with the land and he doesn't see how Reagan can get the land. He also stated that this piece of land is valuable as it has freeway access and visibility. He noted that this land is part of the investment by the City to develop the entire West Bench corridor and there is significant value to that property because it is part of that development. Councilor Griffiths asked Mr. Larsen if the lease and first right of refusal was that big of a deal, wouldn't they want to ensure that was recorded. Mr. Larsen replied that they would.

Motion: Councilor Peterson moved to proceed to the next item on the agenda. Councilor Gibby seconded the motion.

Call the Question:

The motion passed unanimously.

2. Consideration of awarding the bid for 1500 West road extension to Ritter Drive.

Lynn Moulding reported that nine bids were received for the 1500 West road extension project and that the low bidder was Post Construction in the amount of \$154,303.00 and recommends approval. Councilor Jenkins inquired if Post construction has done work with the City before. Mr. Moulding replied that they have.

Motion: Councilor Gibby moved to award the bid to Post Construction for the road extension of 1500 West in the amount of \$154,303.00. Councilor Peterson seconded the motion.

Call the Question:

The motion passed unanimously.

3. Consideration of Resolution #2009-14 encouraging a plan to reduce water consumption.

Lynn Moulding reported that this Resolution encourages water conservation and he would recommend that the Council adopt it. Councilor Jenkins stated that in reading through the Resolution and comments on the Executive Summary, it does sound rather serious that the demand for water outpaces the resources. She inquired if these time frames and watering restrictions make this a sustainable situation. Mr. Moulding replied that it is a difficult situation and that Weber Basin Water is doing a pilot project to recharge the aquifer using river water that would help with the shortage. He explained that they are asking the cities if they would be interested in allowing any upstream water to be diverted to the aquifer restoration project. He stated that there have been studies done and there is a potential that salt water could also begin backing up into the aquifer. Councilor Peterson inquired as to what the City is going to do to communicate this to the citizens and suggested putting the Resolution in the newsletter. Mr. Moulding replied that he would encourage the Council to adopt an ordinance pertaining to water conservation by not allowing people to knowingly waste water and set hours when residents can water their landscaping. He realized that this would require enforcement but something needs to be done because they are estimating that the aquifer will be dry by 2050. Councilor Gibby thinks it would be wise to have an article in the newsletter with specific suggestions on how to conserve water and have Bonnie watch to see if the residents voluntarily comply. He stated that if there isn't voluntary compliance, then they could pass on ordinance so that it could be enforced. Mr. Moulding reported that he thinks this is an opportunity to have several articles in the newsletter about water conservation.

Motion: Councilor Peterson moved to approve Resolution #2009-14 encouraging and supporting water conservation by Riverdale City and within Riverdale City limits. Councilor Hunt seconded the motion.

Councilor Jenkins stated that she is willing to support not only the Resolution but wants to back it up with other measures such as an ordinance as well as stressing the importance of conservation in the newsletter. Councilor Peterson stated that it would be nice to have staff prepare an ordinance for them to look at. Mayor Burrows stated that he would like staff to prepare a plan to get it to the public. Mr. Moulding reported that Riverdale's water conservation plan to the State is due on December 31, 2009 and a water conservation plan could get put into that document.

Call the Question:

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

4. Consideration of Ordinance #737 amending Title 3 Business & License Regulations, Chapter 2 Liquor Control, Section 10(C), Rules, Regulations and Requirements.

Steve Brooks reported that this change is a result of SB187 which overhauled the States alcohol laws during the last legislative session and that one of the provisions was to remove some of the more archaic laws regarding serving and selling alcohol on election day. He stated that the language in the ordinance is a mirror image of the new state law to allow the sale of alcohol on election day.

Motion: Councilor Peterson moved to approve Ordinance #737 amending Title 3, Business and License Regulations, Chapter 2, Liquor Control, Section 10(C), Rules, Regulations and Requirements. Councilor Hunt seconded the motion.

Call the Question:

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

5. Consideration of awarding the bid for the Southerly Trail Extension Improvement Project.

Lynn Moulding reported that seven bids were received for the Southerly Trail Extension Improvement Project and that Post Construction was low bidder at \$115,050 and is recommending approval. Councilor Gibby inquired if the bid included bank stabilization. Mr. Moulding replied that it does not as that is already done.

Motion: Councilor Gibby moved to award the bid to Post Construction in the amount of \$115,050.00 for the extension of the Southern Trail. Councilor Griffiths seconded the motion.

Councilor Jenkins stated that the first and second bid amounts were very close and was wondering what is considered when the bids are looked at and since Post Construction was awarded the 1500 West road extension, should they award the bid to the second low bidder and spread the work around. Mr. Moulding replied that Riverdale's ordinance requires that they award the bid to the low bidder unless they feel the low bidder is not qualified in some way.

Call the Question:

The motion passed unanimously.

H. Discretionary Items

Mayor Burrows reported that he forwarded to each of the Councilmembers an e-mail from Sergeant Jones, who was patrolling along the trail and talked with and took pictures of a group that was using the kayak park. They indicated that they love the kayak park and one of the group travels from California every year because he loves the kayak park and the City.

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 6:45 p.m.

Attest:

Approved: June 2, 2009

Marilyn Banasky, City Recorder

Bruce Burrows, Mayor