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Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **September 15, 2009** at 6:07 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Bruce Burrows, Mayor  
David Gibby, Councilor  
Doug Peterson, Councilor (Participated via telephone)  
Gary Griffiths, Councilor  
Shelly Jenkins, Councilor  
Don Hunt, Councilor

Others Present: Larry Hansen, City Administrator; Steve Brooks, City Attorney; Lynn Moulding, Public Works Director; Randy Daily, Community Development Director; Lynn Fortie, Business Administrator; Dave Hansen, Police Chief; James Ebert, Police Lieutenant; Doug Illum, Fire Chief; Marilyn Banasky, City Recorder; and 23 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 that Councilor Peterson will join the meeting in progress via telephone.

**B. Pledge of Allegiance**

Larry Hansen 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**

Courtney Dayton stated that he has been a resident of Cherry Drive for over 30 years. He inquired if the exclusive Riverdale towing agreement was put out to bid and how long the contract would be for. He also inquired if the deposit to UDOT of \$425,000 for the Riverdale sewer project went out for competitive bids or does the City have to go with UDOT.

James Elizibeth reported that she submitted a bid with Ogden Auto Body and Brett's Towing for the towing RFP. She stated that she would be happy to answer any questions and was hoping that they would be considered. She explained that their bid included 3 towing companies which would have given Riverdale a vast company and equipment with tons of hazmat experience.

**E. Presentations and Reports**

**1. Mayor's Report**

Mayor Burrows recognized David Gailey who submitted a letter of resignation from the Planning Commission as of October 1, 2009. Mr. Gailey thanked the City Council and staff, and stated that he has learned the importance of the input of the citizens of Riverdale City and has always tried to put the

citizens of Riverdale first. He stated that he has enjoyed serving and would like to be considered to serve on the Planning Commission again when he returns.

Mayor Burrows displayed plans for the Amphitheater and Veteran’s memorial that will be constructed at the Riverdale Park. He stated that he is hopeful that it can be built by Veteran’s Day in November and have a nice ribbon cutting. He reported that he is not sure that is possible but is recommending to the Council that this project go out to bid and have the bid opening prior to the next Council meeting. He stated that with the time constraint, he would propose a canvass of the Council and then ratify the bid at the following meeting and award it. **Mayor Burrows asked for consensus to put the project out to bid and canvass the Council for approval before the next City Council meeting and then ratify the bid at the next Council meeting. Consensus was not reached.** Councilor Griffiths stated that he just received the plans tonight and would like more time to look them over. Mayor Burrows stated that they can discuss this item again during Discretionary business.

2. Administrator’s Report

**a. Department Information**

Larry Hansen discussed the department information.

**b. Employee Recognition**

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

<b>Employee</b>	<b>Length of Service</b>	<b>Department</b>
Sherri Boyington	10 years	Community Services
Karen Dille	10 years	Community Services
Frank White	7 years	Crossing Guard
Colleen Winget	6 years	Community Services
Michael Hadley	2 years	Fire
Terry Johnson	2 years	Fire
Cindee Colby	1 year	Business Administration
Shari Erickson	1 year	Community Services
Garrett Lessard	1 year	Community Services

**c. Staffing Authorization Plan**

Larry Hansen discussed the report.

**F. Consent Items**

- 1. Approval of meeting minutes from:  
September 1, 2009 Work Session  
September 1, 2009 Regular City Council**
- 2. Report on Condition of the Treasury for the months ending June 30, 2009 and July 31, 2009.**
- 3. Review and comment by October 6, 2009 on Ordinance #745 amending Title 10, Chapter 10, Article A, Commercial Zones.**
- 4. Review and comment by October 6, 2009 on Ordinance #746 amending Title 10, Chapter 8, Agricultural Zone (A-1).**
- 5. Review and comment by October 6, 2009 on sample animal ordinances with classifications of ownership type, penalties for complaints or recurring problem owners, etc.**

Councilor Gibby reported that he had questions on A-2 zone change. Randy Daily reported that he didn't add any uses but took out uses in the A-1 zone that were of a commercial nature and moved them to the new A-2 zone. He stated that he did add a commercial stabling use in the A-2 zone. Councilor Gibby inquired if a rezone would need to be requested if a current A-1 property owner wanted to have a use that would be in the A-2 zone. Mr. Daily replied that they would. He stated that the more commercial type uses also require 2 acres of land and that he deleted some uses such as a dairy processing farm can no longer do milk processing in an A zone. Councilor Gibby discussed the difference between a small animal hospital versus an animal hospital that serves larger animals and if they both needed 2 acres. He suggested that there may need to be a distinction between them. Councilor Jenkins stated that she will review the zoning map and look at impacts that this change might create for current uses in the A-1 zone. Mr. Daily reported that he has looked at that, as far as the impact of removing uses, and didn't see anything that would be impacted.

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

**Call the Question:**

The motion passed unanimously.

**G. Action Items**

**1. Public hearing regarding the issuance and sale of not more than \$2,500,000 aggregate principal amount of sewer revenue bonds, series 2009 of Riverdale City, Utah.**

Lynn Fortie stated that these monies are needed to replace the sewer along Riverdale Road where they are doing construction, along with some other projects where repairs are needed to improve the current sewer system. Lynn Moulding reported if the City wasn't able to get this kind of loan it would take many, many years to accomplish the same thing with minimal sewer rate hikes over many years. Councilor Gibby stated that the question was asked during Open Communications if the City had to go with UDOT on this and that he feels this is their only option. Mr. Moulding reported that UDOT competitively bid out the project.

Mayor Burrows opened the public hearing at 6:45 p.m.

No public comments were given.

**Motion:** Councilor Gibby moved to close the public hearing. Councilor Jenkins seconded the motion.

**Call the Question:**

The motion passed unanimously.

The public hearing was closed at 6:45p.m.

**2 Consideration of Resolution #2009-29 declaring unclaimed property as public interest use.**

Police Chief, Dave Hansen, reported that they are asking that the unclaimed property that is no longer needed as evidence, be declared surplus property. He stated that they would also like consent to trade the high end firearms to a vendor for a credit to purchase sights for the assault rifles for the patrol officers.

**Motion:** Councilor Gibby moved to approve Resolution #2009-29 declaring lost, stolen, unclaimed or evidence, property as public interest use held by the Police Department. Councilor Hunt seconded the motion.

**Call the Question:**

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

The meeting recessed at 6:47 p.m.

The meeting reconvened at 6:48 p.m.

Councilor Peterson joined the meeting via telephone at 6:48 p.m.

**Motion:** Councilor Gibby moved to approve the trading of high end firearms and other such equipment to gain funds for the Police Department to purchase equipment they need. Councilor Griffiths seconded the motion.

**Call the Question:**

The motion passed unanimously.

**3. a. Public Hearing to declare certain personal property as surplus.**

Lynn Fortie reported that most of items on the list are from the Police Department evidence but that there are some items from the City. Councilor Jenkins inquired as to why they are surplus the float trailer. Mr. Moulding replied that it hasn't been used for 10-15 years and was told by the Community Services Director that they didn't think they would use it again.

Mayor Burrows opened the public hearing at 6:51 p.m.

No public comments were given.

**Motion:** Councilor Gibby moved to close the public hearing. Councilor Hunt seconded the motion.

**Call the Question:**

The motion passed unanimously.

The public hearing was closed at 6:52 p.m.

**b. Consideration of declaring certain personal property as surplus.**

**Motion:** Councilor Gibby moved to declare the property listed in the surplus list as surplus. Councilor Hunt seconded the motion.

**Call the Question:**

The motion passed unanimously.

**4. Consideration of purchase of new Self Contained Breathing Apparatus – Fire fighters gear, in the amount of \$109,059.21.**

Fire Chief, Doug Illum reported that he has applied for a grant for the last 3 years to replace the Self Contained Breathing Apparatus (SCBA) and has been unsuccessful. He stated that he applied again this year, but reported that the current SCBA's are in need of replacing and that their newest air packs are 15 years old and have gone over their life expectancy. He stated that he is asking the Council to approve the purchase of new SCBA's in an amount not to exceed \$109,059.21. Councilor Hunt inquired what would happen if the Fire Department was successful in obtaining a grant for the SCBA's. Chief Illum replied that he would reimburse the City.

**Motion:** Councilor Gibby moved to approve the funding request for Self Contained Breathing Apparatus in the amount not to exceed \$109,059.21. 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 Resolution #2009-27 approving an Agreement for Mutual Aid in Fire Protection and hazardous materials Incident Response with HAFB.**

Fire Chief, Doug Illum, reported that this agreement is with Hill Air Force Base (HAFB) and is renewed on a 3 year basis. He stated that this agreement is a good thing because HAFB has a large amount of hazmat equipment to deal with several different materials in the City and could respond if an aircraft went down. He explained that this agreement allows HAFB to help Riverdale City and Riverdale City to help HAFB. He stated that there is no cost to participate in this agreement.

**Motion:** Councilor Jenkins moved to approve Resolution #2009-27 approving an Interlocal Agreement between Hill Air Force Base Fire Department and Riverdale City concerning the mutual aid in fire protection and hazardous materials. Councilor Gibby seconded the motion.

**Call the Question:**

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

**6. Consideration of Ordinance #743 amending Title 6, Chapter 4, Section 5, Trailers, Recreational Vehicles; Exception.**

Police Chief, Dave Hansen, reported that this change allows a 72 hour window for residents to load or unload camping trailers or motor homes instead of 24 hours. Councilor Hunt asked for clarification on the exception for motor homes over 12,000 Gross Vehicle Weight (GVW). Chief Hansen stated that there isn't an exception on motor homes. Larry Hansen stated that there is an exception under section B for vehicles whose GVW is 12,000 or more to make repairs if they get a permit from the police department. He stated that this section wasn't amended but already existed.

**Motion:** Councilor Hunt moved to approve Ordinance #743 amending Title 6, Motor Vehicles and Traffic, namely Title 6, Chapter 4, Section 5, by changing the amount of time allowable for trailers to be parked on a City street from 24 to 72 hours, providing for severability and an effective date. Councilor Griffiths seconded the motion.

**Call the Question:**

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

**7. Consideration of Ordinance #744 amending Title 4, Chapter 5, Section 8, Voluntary Correction.**

Police Chief, Dave Hansen reported that he is asking for these changes in order to give the Code Enforcement Officer latitude to cite habitual offenders and change the charge from a Class C misdemeanor to a Class B misdemeanor for residents with prior convictions.

**Motion:** Councilor Gibby moved to approve Ordinance #744 amending Title 4, Public Health and Safety, namely Title 4, Chapter 5, Nuisances, by clarifying definitions and certain provisions to eliminate a mandatory Voluntary Agreement and to enhance penalties for subsequent offenses, provide for severability and an effective date. Councilor Jenkins seconded the motion.

**Call the Question:**

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

**8. Consideration of awarding the exclusive Riverdale Towing RFP.**

Police Lieutenant, James Ebert, reported that the City entered into an exclusive non-consent towing agreement with Stauffer's Towing approximately 7 years ago and that the current agreement will expire in October. He stated that an RFP was put out requesting towing companies to submit proposals and that 5 companies responded. He explained that those proposals were then reviewed by the Police Department and based on the unique needs of Riverdale City, they are recommending that the RFP be awarded to Stauffer's Towing. Lt. Ebert reported that they have been very comfortable with Stauffer's and that there are no problems, issues or concerns with response time or customer service.

Councilor Hunt inquired as to what differentiated Stauffer's towing from the other companies that submitted proposals. Lt. Ebert replied that each company met the minimal criteria that was set out in the RFP, so they looked for additional services that each company could provide. He stated that they also looked at the size of the company as they didn't want a company that was too large or too small. He reported that Stauffer's has appointed a project manager for Riverdale City, who is familiar with traffic flow, when traffic may be heavier than usual in order to provide better response time. Councilor Jenkins stated that she can appreciate where the Police Department is coming from, but feels that Stauffer's has had opportunity to carve out a system with Riverdale and wonders if they are competitive with consumers and the fees they charge. She stated that she wants to be fair and if all of the respondents met the minimal requirements, should they give someone else a chance. Lt. Ebert reported that law enforcement doesn't like to venture out into possibilities and if something works and is safer, then that is the way they want to go. He stated that they don't like to take risk in public safety. Councilor Jenkins stated that the Police Department is requesting a five year contract and wondered if that was best. Lt. Ebert stated that they are requesting a 3 year term with the option to extend for 2 years. Councilor Jenkins stated that she would feel more comfortable having the term of the agreement be 2 years with an option to extend for 2 more years in order to remain fair and competitive.

**Motion:** Councilor Gibby moved to approve an Exclusive Agreement with Stauffer's Towing for two years with an option to renew for two years. Councilor Hunt seconded the motion.

**Call the Question:**

The motion passed unanimously.

**9. Consideration of Resolution #2009-28 approving an exclusive Riverdale Towing Agreement.**

**Motion:** Councilor Gibby moved to approve Resolution #2009-28 authorizing execution of an Agreement with Stauffer's Towing for non-consent vehicle towing services within Riverdale City for a period of two years with an option to renew for two years. Councilor Jenkins seconded the motion.

**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.

**10. Consideration of deposit of \$425,000 to UDOT for Riverdale Road sewer and water improvements.**

Lynn Moulding reported that this deposit is a requirement of the Betterment Agreement that the City signed with UDOT and recommended approving the payment.

**Motion:** Councilor Gibby moved to deposit with Utah Department of Transportation, \$425,000 for sewer and other associated work. Councilor Jenkins 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.

**H. Discretionary Items**

Mayor Burrows reported that the Council was correct to not take action under the Mayors Report regarding the Amphitheater and Veteran's Memorial. He stated that this item was discussed during the work session and that the Council has previously approved up to \$185,000 in the budget for this item. He stated that there is a tight time constraint in order to meet the goal of having it done by Veteran's Day and is proposing that the bid go out and that there are three options to approve it: 1) they could wait until next Council meeting and delay the start of construction; 2) do a canvass of the Council to let them know what the bids are and who the low bidder was; or 3) hold a special meeting to approve the bids to ensure construction will be done in time for Veteran's Day. Mayor Burrows reported that his preference would be to do a canvass of the Council for approval and award the bid to start construction. Councilor Griffiths reported that he thinks it is absolutely wonderful if this could be done for Veteran's Day, but is concerned that the Council didn't receive the full paperwork on the project. He wonders if the goal of completion by Veteran's Day is putting them in a big rush and that maybe they need to slow this down a little bit to look at everything and analyze it to ensure it is done right. Lynn Moulding reported that the missing pages are of the structure and shows the roof and columns. Councilor Jenkins stated that she also feels it is appropriate for Veteran's Day but feels they may get more bids if they don't rush it. She stated that she wouldn't be in favor of looking at this before the next Council meeting. She reported that other cities have raised money and contributed private funds to accomplish their memorials. She suggested bidding it in conjunction with the splashpad and restrooms and maybe break ground on

Veteran's Day. Councilor Hunt was concerned as to whether or not the process is being done in a public meeting. Larry Hansen stated that it is conceivable to advertise the bid 10 days before the October 6<sup>th</sup> meeting and could bring the bids back at the October 6<sup>th</sup> meeting for approval. Mayor Burrows reported that the bid will be on the next agenda. Councilor Griffiths inquired if they could look at the full 10 pages. Mr. Hansen reported that he will send to them to the Council via e-mail.

Councilor Jenkins reported that a resident called her regarding sidewalks and who takes care of the weeds over the sidewalk when the fence goes right to the back property line. She stated that if the resident is responsible, they may have to go a long way if they don't have a gate to remove weeds or snow from the sidewalk. She was wondering if she could get a definitive response on how the City is going to deal with this issue. Lynn Moulding replied that he is familiar with the complaint and that the City's ordinance is clear and states that the adjacent property owner is responsible to the oil. Councilor Jenkins inquired if the Code Enforcement Officer should be called. Mr. Moulding replied yes.

Councilor Jenkins stated that she would like time in the next Strategic Planning meeting to discuss different workshops that they attended at the Utah League of Cities and Towns conference as they didn't all attend the same workshops. She feels that would be a positive benefit to the City.

Councilor Jenkins inquired if the Council would like her to look into how other cities run their Youth City Councils. She stated that while she was at the ULCT conference there was a workshop regarding this and she would be happy to do more research and help with it. Mayor Burrows reported that he agrees whole heartily that the Youth City Council has a wonderful role in our community. He stated that he will explore it and bring it back no later than Strategic Planning.

Councilor Griffiths reported that he received a complaint from a citizen regarding the Wildcat Storage sign. He stated that he and Councilor Hunt went to see the sign at night and reported that the sign was pulsating and he could see the light bouncing off the back of the houses. Mayor Burrows reported that YESCO is scheduled to give a report at the next City Council Meeting.

Councilor Hunt stated that some residents near the property that the City acquired as part of the Peacock Ridge settlement have complained that there are deadfalls in the trees. Mr. Moulding stated that he will look into that.

**I. Adjournment**

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Jenkins seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:06 p.m.

Approved: October 6, 2009

Attest:

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Bruce Burrows, Mayor

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Marilyn Banasky, City Recorder