
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **October 6, 2009** at 6:02 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: 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; Doug Illum, Fire Chief; Marilyn Banasky, City Recorder; and 17 citizens.

A. Welcome & Roll Call

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

B. Pledge of Allegiance

Mayor Burrows offered the Pledge of Allegiance. Mayor Burrows read a quote from Fisher Ames.

C. Moment of Silence

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

D. Open Communications

Dennis Howland reported that he is the Senior Vice Commander for the VFW for the State of Utah and brought with him Veterans in Northern Utah representing the different branches of service. He invited the Mayor and Council to participate in Veterans week activities this November. He stated that they submitted a written request that that recently surplussed float trailer be donated to the VFW to be used in parades and activities and wanted to let the Mayor and Council know that would be greatly appreciated if they would consider donating it to them. He reported that he was excited to see the Mayor and Council considering a Veterans Memorial in Riverdale. Mayor Burrows reported that they have a Strategic Planning meeting coming up, but could possibly consider their request for the float trailer in advance of that.

E. Presentations and Reports

1. Mayor's Report

Mayor Burrows reported that he received a request for an Eagle Scout project to upgrade and refurbish the BMX bike park to get it back into top shape. He stated that Wyatt Stringham wants to add few more features and is proposing to do the work this weekend with volunteer labor, materials, and equipment. He reported that Wyatt has been informed that the area would need to have blue stakes come out prior to any work being done.

Mayor Burrows read a letter from John Christiansen, Chairman of the Senior Board thanking the City for the many things they have done for the seniors at the center. He reported that a meeting was held with Randy Jefferies from UDOT concerning issues regarding the channeling of traffic in and out of Riverdale Road out of 1500 West and onto Freeway Park Drive. He stated that they will ask Mr. Jefferies to come in and discuss these issues in the future or possibly at the Strategic Planning meeting.

2. Recorder's Report

F. Consent Items

- 1. Approval of meeting minutes from:
September 15, 2009 Work Session
September 15, 2009 Regular City Council
September 17, 2009 Town Meeting**
- 2. Report on Condition of the Treasury for the months ending August 31, 2009.**
- 3. Approve November 17, 2009 as the date for the next Strategic Planning meeting.**

Motion: Councilor Peterson moved to approve the consent items with the amendment of a Strategic Planning meeting on Thursday, November 12, 2009 at 7:00 p.m. Councilor Griffiths seconded the motion.

Call the Question:

The motion passed unanimously.

G. Action Items

1. Consideration of Partners in Education grant for Riverdale Elementary School.

Michael Fazzio, teacher from Riverdale Elementary School, stated that they were fortunate to receive a grant last year for the school and reported that the reading program, books and electronic quizzes they were able to purchase were very successful. He proposed to provide more books, quizzes and electronic audio books for the students to check out with this grant request. Councilor Peterson inquired how much the City contributed last year. Mr. Fazzio replied that they received \$1,500 last year and are asking for \$1,800 this year. Councilor Peterson reported that the budget for this line item is \$2,000 total and that the City usually contributes \$500 to Bonneville High School for their drug free graduation night. Councilor Jenkins inquired if there was another avenue to fully fund this request. Larry Hansen reported that there isn't a way to go over the budget due to how the state statutes were revised for contributions unless they amend the budget and hold a public hearing. Steve Brooks concurred. Councilor Jenkins stated that she would be inclined to donate the full \$1,800. Councilor Gibby suggested donating \$1,500 and keeping \$500 for Bonneville High School until they amend the budget in another fashion and award the last \$300 then. Councilor Griffiths stated that there is another elementary school that Riverdale children attend and would like to give them an equal amount so they could participate in this as well. Councilor Peterson reported that he thinks that last year they weren't able to provide as much as was requested. Mr. Fazzio replied that they asked for \$1,600 last year and the Council approved a \$1,500 donation. Councilor Peterson reported that he had three children who attend Riverdale Elementary and that they do a great job at the school. He stated that he personally donated \$100 to the program last year after he heard Mr. Fazzio's presentation. He stated that he would be willing to pay \$100 for each of his children this year rather than opening up the budget. He reported that he would like to see the community get

involved to support the school in addition to the City and thinks the community can make up the difference.

Motion: Councilor Peterson moved to approve a Partners in Education grant for Riverdale Elementary in the amount of \$1,500. Councilor Gibby seconded the motion.

Councilor Gibby suggested that they look at this grant during the budget process to see if they can fund this program at a greater level.

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.

2. Discussion regarding sample animal ordinances with classifications of ownership type, penalties for complaints or recurring problem owners, etc.

Mayor Burrows reported that staff is looking for feedback from the Council on how they would like to handle residents that have more than two dogs. He stated that once the feedback is given, a draft ordinance will be presented for review and comment at a subsequent Council meeting. Police Chief, Dave Hansen, reported that his department has run into a couple of issues in regard to kennel licensing. He stated that they have a pretty good ordinance in place right now, but that the City issued 15 kennel permits without following the correct kennel process. He explained that once this was brought to their attention, it caused them to look at the ordinance to see if they need to tweak it and make reasonable accommodations for those who want three dogs. Chief Hansen reported that the Police Department put together a suggested ordinance change which is included in their packets and would add a grandfather clause for the 15 residents that have been issued kennel permits under the old ordinance. He stated that they would only be grandfathered as long as they have the original dogs that were licensed under the current kennel license and that once they no longer had one of the dogs, they would need to re-apply under the new kennel ordinance. Councilor Jenkins stated that she was concerned that the Sportsman Permit only allowed purebred dogs and wondered if that would inhibit residents from adopting animals from our animal shelter. She reported that she was also thinking that a kennel license shouldn't be limited to an A-1 zone, but could be based on the square footage of the property instead. She feels they could have varying size lots and still be under the same guidance and regulations. Chief Hansen stated that he thinks that dogs should be required to be spayed or neutered if more than three dogs are allowed in a residential area in order to cut down on problems. Councilor Gibby stated that three dogs could be allowed with a kennel permit in a residential area if the lot size is sufficient. He reported that if someone keeping dogs for breeding purposes, then the requirement to have then spayed or neutered wouldn't be appropriate. Larry Hansen stated that he could get with Mr. Daily and look at the kennel permits that have been issued in the residential zones and look at their lot size and review if there have been any enforcement issues in those zones. Councilor Jenkins stated that in the case of a roaming or aggressive dog, one is a problem and that they need to be on a leash or in a fenced yard. Chief Hansen reported that issuing a kennel license helps the Animal Control officer to enforce the ordinance when there are problem dogs and if the animal becomes a nuisance or there are complaints, then the kennel license is revoked. He stated that the kennel license expires each year and needs to be reapplied for. He recommended keeping this requirement in place. Councilor Jenkins noted that the Sportsman Permit is permitted by Council and she feels that should be regulated by the police and not permitted by the City Council.

Randy Daily reported that the definition of kennel needs to be changed as it is a commercial type use and is only allowed in a commercial zone. He stated that everything else falls under the Sportsman Permit. He stated that he agrees with looking at lot size but thinks they should also look at the size of the animal too. Councilor Peterson inquired how the new ordinance would handle a vicious animal and if they should look at restricting certain types of breeds. Mayor Burrows stated that the intent of the ordinance would be that if there are complaints against the owners or animals and they are substantiated, that would be a reason to take the license away. Mr. Daily reported that viciousness of animals is covered in the current ordinance.

3. a. Consideration of untableing Ordinance #746.

Motion: Councilor Gibby moved to untable Ordinance #746. Councilor Peterson seconded the motion.

Call the Question:

The motion passed unanimously.

b. Consideration of Ordinance #746 amending Title 10, Chapter 8, Agricultural Zone (A-1).

Randy Daily reported that the Planning Commission held a public hearing and recommended adopting the changes. Councilor Jenkins read an e-mail that she sent to Mr. Daily questioning why the new A-2 zone was necessary. She stated that she feels that there are possible unintended consequences by having an A-2-zone and is concerned that this could create more problems than it would solve. She stated that Riverdale is going in a different direction with more housing and commercial and feels that the A-2 zone is a more agricultural use. Mr. Daily asked Councilor Jenkins to read his reply to her e-mail, which she did. Mr. Daily reported that the South Weber Drive area was one of the reasons that he felt the A-2 zone would be good as they are limited in what uses they can have, due to the Air Force easement. He stated that he took uses out of the A-1 zone that were of a more commercial nature and put them in the newly created A-2 zone that would require two acres for a use to be approved. He felt that these uses could benefit the South Weber Drive area. He reported that he also felt that an Assisted Living center didn't fit in the A-1 zone and removed this use. Councilor Jenkins stated that she agrees that uses for the South Weber Drive area should be addressed and wants to keep in mind that South Weber Drive doesn't have the infrastructure to support a heavy-duty type business there. Councilor Gibby inquired if this change would make it easier for the City in terms of planning and property use. Mr. Daily replied that the proposal wouldn't change anything except for eliminating the possibility of care facilities in agricultural zones and ensuring that a kennel license is a commercial permit. He explained that if a resident in an agricultural zone wants more than two dogs, it would be a regulatory permit and not kennel permit that would be approved by the police. Councilor Gibby suggested just eliminating the uses that are no longer used or wanted out of the A-1 zone, instead of making a new A-2 zone.

Motion: Councilor Jenkins moved to deny Ordinance #746, remove the possibility of the A-2 zone, and return the A-1 zone back through the Planning Commission for additional review. Councilor Gibby seconded the motion.

Call the Question:

The motion passed unanimously.

4. Consideration of Ordinance #745 amending Title 10, Chapter 10, Article A, Commercial Zones.

Randy Daily reported that the Planning Commission held a public hearing and recommends approval. He stated that the original proposed language to restrict payday loan/check cashing and pawn shops to one for every 4,000 residents was removed and they would now only be allowed in a C-3 zone and no closer than 500 feet to a residential zone. He reported that if this ordinance is passed, it would make the current pawn shop non-conforming as it is closer than 500 feet to a residential zone. He explained that if one of these types of businesses wanted to go into an RDA zone, the RDA Board would have to first approve the use.

Motion: Councilor Gibby moved to approve Ordinance #745 amending Title 10, Chapter 10, Article A, Commercial Zones by limiting the number and location of Check Cashing operations and Pawnshops within the City limits, providing for a repealer, severability and an effective date. Councilor Gibby 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 Riverdale Park Amphitheater and Veteran's Memorial.

Mayor Burrows apologized to the Council for the situation that occurred at last meeting regarding this bid and stated that he wasn't trying to short circuit anything. Lynn Moulding reported that they recently had a bid opening for this project and that 17 contractors attended the pre-bid meeting, but only three bids were submitted. He recommend accepting the low bid from LSI Contractors.

Motion: Councilor Gibby moved to approve the bid award of \$99,595.25 to LSI Construction for construction of the amphitheater and veterans memorial site. Councilor Peterson seconded the motion.

Councilor Peterson reported that he has struggled with this project, as this is a good project and worthwhile for the City, but is it the right time to spend the money or could there be more participation from the community in donations or donated labor. He stated that he doesn't want to see it delayed or cost more. Mayor Burrows reported that the design element includes room for donation pavers and that he has been contacted by Carol Nash, a Riverdale resident, who has volunteered to take on the Chairmanship of a committee that would get donations and oversee the groundbreaking and/or ribbon cutting ceremony. Councilor Gibby stated that they are approving putting up the basic structure tonight, but could include volunteer work and donations for other amenities later. He stated that he would like to see the basic structure put up and then look at community ownership by adding amenities that make it a community affair. Councilor Jenkins expressed concern that these issues and conversations should have been done earlier. She stated that she agrees with Councilor Peterson that this is a good time to buy, but isn't certain that getting it done by November ensures that they will get the best project. She reported that they won't use the Amphitheater until the 4th of July and feels this should be a project that the entire Council is involved in. She stated that this project was brought up in a Strategic Planning meeting and then the Council didn't see anything until they received a copy on the 4th of July with the public. Councilor Peterson disagreed. He reported that they had drawings of the project before that and feels that the

Mayor has been a leader on this and that no action has yet been taken. He did find it interesting that 14 contractors didn't submit a bid. Lynn Moulding replied that he imagines the reason they didn't bid was due to the timeframe of the job. He reported that he thinks the submitted bids were very good so he doesn't think it was about money. Councilor Peterson reported that he feels the bid amount of \$99,959.25 is a deal and doesn't know if there had been more bidders if that would produce a better price or better quality. He stated that he thinks this is a good quality bid and is concerned if they wait and delay the project, the City could pay more. He stated that having it finished by Veteran's day is good and that this is a good amenity for the City. Councilor Griffiths stated that he thinks the City needs to earn this amenity and likes the idea of Ms. Nash doing this. He reported that he went to the South Ogden Veteran's Memorial and was impressed at those who had donated. He feels Riverdale could do the same and doesn't think this would be a long project to get the funds necessary to get this built. He reported that he feels tax payer money is sacred. He inquired if the structure had already been purchased. Mr. Moulding replied that it had. Councilor Griffiths stated that he feels they could build the structure and wait until they have the money donated to build the memorial. He reported that he had looked at the census and there is 14% of the population of Riverdale that are veterans which is approximately 542 veterans. He feels that they would need more towers to put all the veteran's names on and wants to ensure that all veterans have the place they deserve on the memorial. He feels the need to slow down and is concerned about the bidding process. He stated that he thinks Veterans Day is a great day, but thinks they could set a date with July 4th and do this thing up right. He suggested building the structure and then move forward with the campaign to get the necessary funds to finish veterans memorial. Councilor Hunt inquired as to what amenities could be added.

Scott Nelson with Civil Engineering Consultants replied that this design could be expanded and could add donation bricks and monoliths. He reported that the design is basic with the ability to expand. He explained that the current design includes a flag pole, one monolith for names, and conduits in the ground to put in additional electrical. He stated that approximately 240-260 names could be engraved on one monolith and suggested adding names every 3 years and holding a celebration. He reported that historical items such as cannons or tanks could also be added. Councilor Hunt reported that he knows there has been a certain uneasiness on how this was handled and that he didn't appreciate it. He stated that he is not opposed to it, but is opposed to the timing and wished it had been handled differently and not rushed so much. He inquired what the total budgeted amount is for this project. Larry Hansen replied that \$186,000 was budgeted from Capital Projects. He stated that the super-structure that was ordered was \$32,000, and then there is the cost for the flag pole and monuments. Mayor Burrows reported that the Council discussed this issue during the budget sessions and authorized staff to go forward to do an amphitheater and memorial. He stated that no comments were made to do it a certain way and that everyone has proceeded in a good faith effort. He reported that it was announced July 4th and no one made comments to slow it down or have community buy-in until now. Councilor Griffiths stated that he thinks the time line is short and many bidders didn't have an opportunity to bid because of scheduling issues. He feels they need to give them time to bid and doesn't see the big rush. Mr. Nelson reported that he personally called the 17 contractors and inquired why they didn't bid the project. He stated that his engineers estimate was over \$138,000 to do the work. He reported that the majority of the contractors that did not submit bids told him that this project was too small for them. He stated that LSI Contractors does landscaping and this type of work is their expertise. He stated that he doesn't feel the process was rushed and feels it can be built in the time frame specified.

Brad Beus, managing partner of LSI Contractors, distributed a booklet of projects that his company has done. He reported that he has worked for Riverdale City before and has a lot of experience in monument and flag pole construction. He stated that this is a very competitive price and that he feels the reason they didn't get many bids is because of the scope of the work is too small. He explained that they can work through Christmas doing concrete and that he doesn't see weather being a factor to finishing the work by the November 6th deadline. Councilor Jenkins asked Mr. Beus if he would still feel comfortable with his bid price if the City took until the Spring in order to do more organizing. Mr. Beus replied that he could hold his bid for a little while but that concrete is at a great price right now and he can't guarantee what the price of concrete or fill will be in the future. Councilor Jenkins reported that she thinks the community would applaud them in getting volunteers and donations for this project. Councilor Peterson stated that is isn't a question of whether to do it or not, but feels that postponing the project could cost an additional \$30,000 more and if they receive \$20,000 - \$30,000 in donations, which is more fiscally responsible? He stated that if they are going to do this project, it is fiscally irresponsible to not do it now.

Councilor Gibby called the question.

Call the Question:

Roll Call Vote: Councilor Peterson; Aye, Councilor Griffiths, Nay; Councilor Hunt, Nay; Councilor Gibby, Aye; and Councilor Jenkins, Nay. The motion failed with two in favor and three opposed.

6. Consideration of issuing an RFP for the Riverdale Park Splash Pad.

Lynn Moulding reported that the Council has the RFP in their packet and would recommend approval. Councilor Jenkins inquired if the base of the splash pad was large enough and could they add-on later if they wanted to. Mr. Moulding replied that they wouldn't want to add on. He explained that some manufacturers build a base so that future amenities can be added, but not all manufactures offer that. Councilor Jenkins inquired if Mr. Moulding had worked with Jeanette Hall, Community Services Director, on the RFP. Mr. Moulding replied that he hasn't worked with her very much. Councilor Jenkins inquired if Ms. Hall should be more involved as she works closely with the recreation programs. Mr. Moulding replied that Ms. Hall didn't give him the feeling that she wanted any more involvement but that he could invite her to be part of the team that gives a recommendation. Councilor Peterson stated that in addition to having Ms. Hall's help, he would like to put up some of the preliminary splash pad concepts and have the kids vote on them at the Community Center. Mr. Moulding inquired if the deadline should then be extended as the anticipated award date is November 17, 2009. Councilor Jenkins stated that it is no secret that this community wants a pool but they are excited about the splash pad and she would like to see the kids involved. Mr. Moulding cautioned that the kids may want to mix and match amenities from different proposals and that they will need to go with one proposal. Councilor Peterson reported that he doesn't want to hold it up but would like the kids opinion.

Motion: Councilor Gibby moved to approve the Riverdale Park Splash Pad RFP. Councilor Peterson seconded the motion.

Call the Question:

The motion passed unanimously.

7. Consideration of Resolution #2009-32 adopting the Municipal Wastewater Planning Program 2008 Self-Assessment Report.

Lynn Moulding reported that he is required to submit this report to the State each year and recommends approval.

Motion: Councilor Gibby moved to approve Resolution #2009-32 adopting the Municipal Wastewater Planning Program 2008 Self-Assessment Report. Councilor Peterson 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.

8. Consideration of Resolution 2009-30 establishing the 2009 Municipal voting precincts and polling places for Riverdale City.

Marilyn Banasky reported that she is recommending combining the five Riverdale voting precincts into one and hold both Early Voting and the General Municipal Election at the Riverdale Community Center this year. Councilor Jenkins stated that during the last election, City staff was allowed to serve as election judges and wondered how that worked out and why it wasn't being proposed this year. Ms. Banasky replied that during the last election, City employees were given the opportunity to serve as an election judge during their regular on-duty hours and were excused from their City duties to work as an election judge. She stated that this did save the City some money, but also took employees away from their current duties. Ms. Banasky reported that since the City saved the cost of a primary election, she opted to use the election judges from the community.

Motion: Councilor Gibby moved to approve Resolution #2009-30 establishing the 2009 Municipal Voting Precincts and Polling Places for Riverdale City. Councilor Peterson 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.

9. Consideration of Resolution 2009-31 designating and appointing poll workers and alternates to serve in the 2009 Municipal election.

Marilyn Banasky reported that Resolution #2009-31 outlines the compensation to be paid for election judges and approves the names of election judges. She recommended approval.

Motion: Councilor Peterson moved to approve Resolution #2009-31 designating and appointing Election Judges, Assistant Poll Manager, Poll Manager, and Alternates to serve in the Municipal Early Voting and General Election, establishing the compensation for their services, and providing for other related matters. Councilor Hunt 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.

H. Discretionary Items

Larry Hansen reported that the Risk Management Committee reviewed the current fence ordinance during their last meeting. He stated that they specifically looked at the issue that was brought up by Councilor Peterson regarding the fence at 4100 South and Parker Drive and the sight triangle being restricted on the south side a by a bush and the fence that was built to the sidewalk on the north side. He reported that the sight triangle issue on the south side has been addressed and taken care of. He reported that the fence in question was permitted properly and does meet the current ordinance that was amended some time ago. Mr. Hansen stated that during the Risk Management Committee meeting, both the Police and Fire Chiefs indicated that there doesn't appear to be a problem from a safety perspective with the fence, although they did feel that this location would require caution on behalf of the driver. He reported that the Risk Management Committee was unanimous in their decision and felt that no amendment to the fence ordinance was needed. Councilor Peterson stated that he appreciates them looking into that, but his concern on the fence ordinance is that there are other incidences allowed by the new fence ordinance that causes him concern. He reported that the Risk Management Committee looks at the risk to the City but he is concerned about risk that is not necessarily just to the City. He explained that his neighbor could build a 6 foot fence out to the sidewalk and as his children walk on the sidewalk they would have no visibility either see other cars or be seen by cars, and feels this is a safety issue. He suggested changing the fence ordinance and not allowing 6 foot fences to go to the sidewalk unless they are back to back with houses and not to a driveway. He stated that with regard to driveways, he thinks that needs to be a sight triangle issue. Mr. Hansen reported that at the time they were working on the fence ordinance, URMMA provided guidance and advised the City to just deal with sight triangle issues at street intersections and corners. He stated that landscaping, RV's, parked cars were discussed along with fences that could block visibility, and that it is the obligation of the driver to be safe when they drive and proceed with caution. Councilor Jenkins stated that fences that are allowed to be up to the sidewalk can get kicked and the weeds don't always get mowed. She indicated that they can also cause a problem with snow. Councilor Hunt stated that the fences are a concern. He reported that the public hearing was fairly well attended on changing the fence ordinance and that the majority of the people were in favor of the way it is now. **Mayor Burrows asked for consensus for a future agenda item to consider reviewing the current fence ordinance. Consensus was not reached.**

I. Adjournment

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Peterson seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:19 p.m.

Approved: October 20, 2009

Attest:

Bruce Burrows, Mayor

Marilyn Banasky, City Recorder