
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **January 5, 2010** at 6:03 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Bruce Burrows, Mayor
 David Gibby, Councilor
 Shelly Jenkins, Councilor
 Don Hunt, Councilor
 Norm Searle, Councilor
 Alan Arnold, Councilor

Others Present: Larry Hansen, City Administrator; Steve Brooks, City Attorney; Lynn Fortie, Business Administrator; Dave Hansen, Police Chief; Doug Illum, Fire Chief; Marilyn Banasky, City Recorder; and 7 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

Larry Hansen offered the Pledge of Allegiance. Mayor Burrows read a quote from Patrick Henry.

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

Mayor Burrows expressed condolences to Councilor Gibby's family at the passing of his daughter's newborn twins. He reported that Governor Herbert and State Representative Brad Dee will hold an open house on January 6, 2010 from 6:00 – 8:00 p.m. at the Riverdale Senior Center.

2. Recorder's Report (Review status of Council requested follow-up items.)

None

F. Consent Items

- 1. Approval of meeting minutes from:
December 15, 2009 Work Session
December 15, 2009 Regular City Council**

2. Consideration of appointments:

a. City Recorder

b. Treasurer

Mayor Burrows recommended reappointing Marilyn Banasky as City Recorder and Lynn Fortie as Treasurer.

3. Review and Comment by January 12, 2010 on Ordinance #752 amending Title 2, Boards and Commissions, Chapter 2, Planning Commission.

Mayor Burrows reported that this change will stagger the terms of Planning Commissioners so that no more than two member's terms will expire at one time.

4. Set February 20, 2010 for Strategic Planning to begin at 8:00 a.m. at the Senior Center.

Mayor Burrows reported that past practice has been to have a retreat when new Councilmembers are elected to the Council. He recommended not having a retreat this year, due to the economic climate, and having a Friday evening social gathering for the Mayor and Councilmembers with their spouses. Larry Hansen suggested using the Senior Center on Friday evening and having the Senior Center cook prepare the meal. Mayor Burrows suggested having the Department Heads and their spouses also attend.

Motion: Councilor Gibby moved to approve the consent items and setting February 20, 2010 for the Strategic Planning meeting and February 19, 2010 for a social evening with spouses to include Council and those persons that Administration feels appropriate to invite. Councilor Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

G. Action Items

1. Consideration of Resolution #2010-01 adopting a Utilities Audit Contract.

Lynn Fortie reported that he was contacted by a company that reviews utility bills and is recommending that the Council approve a contract with them. He stated that they look for incorrect billings in the past and that their fee is 40% for refunds or credit adjustments and the City would receive 60%. He stated that they also look forward to see if they can negotiate a better price for utility services and their fee would be 35% of the savings that they might negotiate for 36 months. He reported that this company now has the State contract and is offering better contract terms than in the past. He stated that if the company doesn't find any savings or can't negotiate better rates, then there is no cost to the City for their services. Mayor Burrows reported that when he worked for the power company they would perform an energy audit for free if it was requested. He stated that he has been opposed to this in the past and is still luke warm. Larry Hansen reported that it is possible to bring them all in and have them do energy audits and stated they may discover things that the City would benefit from, but because of his past experience in auditing, he thinks that an independent third party would be better and more objective. He stated that he thinks this is a good improvement to the previous contract. Councilor Gibby stated that he likes the idea of a separate entity who is getting paid for finding things instead of having the utility companies audit themselves. Councilor Jenkins wondered if the contractor could help the City find ways to save energy and that they could then pattern a program going forward to continue to save energy. She inquired if there were any other Cities using this company and if they had had success. Mr. Fortie replied that there were other cities that have used this company and that most of the time they find savings, but sometimes they

don't. Councilor Arnold inquired if there is a timeline on the contract as he was wondering if the City could have the utility companies perform their free audits first and then bring in the contract later to look at. Councilor Searle stated that he likes the idea of having an independent contractor look at the bills and usage.

Motion: Councilor Gibby moved to approve Resolution #2010-01 approving an Agreement to review City utility accounts for possible errors, overcharges, undercharges, misclassifications or other factors. Councilor Hunt seconded the motion.

Call the Question:

Roll Call Vote: Councilor Gibby; Aye, Councilor Jenkins, Aye; Councilor Hunt, Aye; Councilor Searle, Aye; and Councilor Arnold, Nay. The motion passed with four in favor and one opposed.

2. Consideration of Ordinance #750 amending Title 5, Police Regulations, Chapter 4, Animal Control.

Police Chief, Dave Hansen, reported that the City is running into problems with kennel licenses as some of them were previously issued without going through proper protocol. He stated that these changes will grandfather in those who received kennel licenses when they shouldn't have and would give them an exemption for the life of the dog. He explained that the ordinance also clarifies the language regarding kennels. He reported that Animal Control Officer, Bonnie Jones, has requested that the timeframe regarding when a dog is no longer considered a puppy be changed back to four months instead of the proposed six months throughout the ordinance. He explained that a dog loses its puppy teeth at four months and after that it is very difficult to tell the age of the dog. Mayor Burrows inquired about allowing residents to have three dogs instead of two. Chief Hansen replied that was added to the ordinance as per Council discussion. He stated that he personally thinks that allowing three dogs is a bad move and that most Cities have a two dog limit. Mayor Burrows stated that it has been his experience that it is difficult when residents have three or more dogs and wants to stay with the two dog limit unless they are issued a Kennel permit. Councilor Jenkins inquired about the Sportsman Permit and wondered what the distinction was between just having three dogs and having a Sportsman Permit. Chief Hansen stated that they don't actively go looking for people with three dogs but respond when they get a complaint. He reported that there are quite a few people in Riverdale that have three dogs without a Kennel permit. Councilor Hunt inquired if having three dogs could be addressed under the nuisance ordinance. Chief Hansen replied that it can be, but that it is much more difficult for them to enforce if the resident has an exemption to have three dogs and there are problems with one of them. Councilor Jenkins felt that allowing people to have three dogs and having them legally licensed would be better than having people illegally keeping three dogs. She stated that if they allow residents to have three dogs then they could be monitored and handled through the nuisance ordinance if there is a problem. Councilor Hunt inquired about the grandfather clause and clarified that those who currently have kennel permits for more than two dogs would only be allowed to license the other dogs for the life of those dogs only. Chief Hansen replied that was correct. Councilor Jenkins wondered if there was a need to have the Sportsman Permit language if there is a Kennel permit process. Steve Brooks stated that he agrees that the Sportsman Permit language could be deleted. He reported that his fear is that having more than two dogs doesn't fit into the City atmosphere and that it is hard to regulate them in City confines.

Motion: Councilor Gibby move to approve Ordinance #750 with changes to remove the 6 months back to 4 months as pertaining to puppies, strike the Sportsman Permit language for now and look at it in the future, grandfather the Kennel permits that are now issued as long as the current animals are living, and leave the ordinance as written with those changes. Councilor Jenkins seconded the motion.

Councilor Hunt stated that he feels that if there are problems or citizens affected by dogs that they should be addressed through nuisance ordinances. Councilor Arnold stated that he feels allowing three dogs is a mistake and that it would be difficult to go back to two dogs later on. Councilor Jenkins reported that she has two dogs and feels that there is a definite difference when there are three dogs instead of two. She stated that there are two sides, one is having the dogs be legal and the other is that it is difficult to remove a dog from someone. Chief Hansen reported that having the ordinance that only allows two dogs gives them the upper hand to be able to get rid of a third dog and control a nuisance, as nuisance cases are hard to prove.

Amended Motion: Councilor Gibby move to amend the previous motion to allow only two dogs instead of three. Councilor Jenkins agreed as the second.

Call the Question:

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

3. Consideration of prayer being offered to open City Council meetings.

Mayor Burrows stated that this item is to consider reinstating prayer to open City Council meetings. He reported that they previously had prayers offered and there was a point and time where the Council looked at it and found that it was possibly going to be difficult to continue the practice under the current circumstances and guidelines placed on them, and a vote was taken to withdraw the procedure. Steve Brooks reported that his research is in line with what Utah League of Cities and Towns Attorney Dave Church discusses in the Powers and Duties Handbook regarding prayer. He stated that it is not illegal to have prayers in City council meetings but that the Council can not limit either content or who can come in and pray. He explained that if they allow prayers, they have to open it up to anyone to participate no matter what their religion or content of the prayer is. He stated that Salt Lake City was challenged and that their procedure has been upheld by the Utah State Supreme Court. He reported that Murray City has been challenged by the UCLA and that Salt Lake City no longer has prayer in their Council meetings. He stated that is the Council wants to allow prayer, there would be a lot more work for staff to contact different groups and schedule them and criteria would need to be written up. Mayor Burrows inquired if criteria is established and published could they limit the time frame for prayers. Mr. Brooks replied that they can and that the criteria could contain language that they can't bash the City or other religions during their prayer. Councilor Hunt stated that he is not opposed to the idea or prayer but is concerned of the ramifications of the potential irreverence that it could have on those that attend. He wondered why Salt Lake City discontinued the practice of prayer. Mr. Brooks replied that he didn't know but could find out. Councilor Gibby stated that it would be nice to talk to Cities that have reinstated the practice and see if they have had any abuses. He reported that he would like to have prayer and extend that invitation to the public. Councilor Searle stated that he has read the information from Mr. Church and feels there is good guidance there if they chose to allow prayer. He thinks it could bring some diversity and different thoughts from other people and could help others get involved in City government. Councilor Arnold stated that he would still like to see the Mayors quote and moment of silence

remain and agrees that an invitation to the public would get people involved in the meeting. Councilor Jenkins stated that she looked at this as a fabulous opportunity to involve more people from the community. She suggested having the councilmembers take it upon themselves to get people involved. **Mayor Burrows asked for consensus to put together criteria and bring that back to the City Council. Consensus was reached.** Larry Hansen suggested that staff be directed to bring back a draft policy for Council to consider. **Mayor Burrows asked for consensus for staff to bring back a draft policy for consideration. Consensus was reached.**

H. Discretionary Items

Councilor Jenkins reported that the Town of Uintah has recycling and wonders if it could be re-looked at in Riverdale. She stated that her sister lives in Uintah has eliminated her second garbage can and saved money by recycling. She reported that Uintah charges \$3.00 per can to recycle and that they use Waste Management. Mayor Burrows stated that they are still investigating it and can talk about it in Strategic Planning.

Councilor Arnold stated that Ritter Drive is off the agenda and he would like to see it remain on the agenda for discussion. He reported that he feels the barricade at 1500 is set back too far and thinks it should be moved up to the intersection itself. He stated that he saw cars going around the barricade when he went and came home from work and feels that it may be time to issue tickets to those offenders. Mayor Burrows reported that Ritter Drive will be discussed at Strategic Planning. Larry Hansen stated that when the Council adopted those temporary changes, a 90 day review period was also instituted. He reported that Ritter Drive will be on the second meeting agenda each month for a status report during that 90 day review period. Councilor Arnold reported that there was a lot of talk about Ritter Drive being unsafe for pedestrians. He stated that there is only one resident on Ritter Drive that has shoveled their sidewalk and feels that the ordinance should be enforced to promote safety on the road.

Councilor Arnold stated that due to the current economic climate he thinks the Splash Pad should be reconsidered and asked Councilor Gibby or Hunt to reconsider it. He feels that spending around \$400,000 is irresponsible and would challenge them to bring it up to be looked at again and to cancel it at this time.

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 7:29 p.m.

Approved: January 19, 2010

Attest:

Bruce Burrows, Mayor

Marilyn Banasky, City Recorder