
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **January 19, 2010** at 6:22 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 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 28 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 John Adams.

C. Moment of Silence

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

D. Open Communications

Kathleen Sandberg stated now that Ritter Drive has been closed for safety reasons to all but local residents it is funneling the westbound traffic to 1500 West and causing problems at that intersection. She displayed pictures to show the problems with the intersections at 1500 West and Freeway Park Drive and Ritter Drive and Freeway Park Drive. She stated that the partial road closure is also causing problems for the school buses to turn around and the students now have to cross the road. She feels that the temporary changes to Ritter Drive have made it more dangerous and proposed that a better study needs to be done that includes more residents. She stated that making the road one-way for westbound traffic would allow those residents that live south of Ritter Drive to still have access to get onto Freeway Park Drive to go to 5600 South.

Mayor Burrows reported that during the work session, there was a unanimous consensus to hold a Town Meeting on February 24, 2010 at the Riverdale Senior Center to discuss Ritter Drive issues. He stated that the meeting will begin at 6:30 p.m. He explained that the final status report on Ritter Drive will be given at the February 16, 2010 City Council meeting as the 90 day trial period will be up, and it will be discussed again at the Strategic Planning meeting to be held on Saturday, February 20, 2010.

Tracy Child read a letter from her parents Jack and Mollie Child stating that they are very upset with closure of Ritter Drive and the politics involved with this matter. The letter outlined their concerns and asked the City to take the politics out of this and do the right thing for the majority of the people.

Jay Weaver stated that he lives on South Weber Drive and that he has several questions about Ritter Drive. He reported that he would like to see more discussion happen before a final decision is made. He suggested the possibility of round-a-bouts on both ends of Ritter Drive or installing a robo-cop. He also suggested forming a committee or using the traffic committee with residents on it to address Ritter Drive concerns. He stated that he is happy to see that a Town Meeting has been scheduled and asked that the original survey be re-done that would be impartial. He explained that he understands the reasons why it was temporarily closed but feels there is a better way.

Richard Hall reported that semi trucks are parking on the new road going up in front of his house to 1500. He stated that he feels this is a safety hazard and wondered if there was a City statute to prevent this.

Dean Beus lives on South Weber Drive and wondered why the solar power speed signs were taken down from South Weber Drive. Mayor Burrows stated that the speed signs were broken on Ritter Drive and the ones from South Weber Drive were moved to Ritter Drive to gather data. Mr. Beus inquired if the signs would be put back on South Weber Drive. Mayor Burrows replied that they would and that those signs are moveable and could be placed anywhere in the City at any time. Mr. Beus reported that people are inconsiderate when driving and they are driving too fast on South Weber Drive and he would like to see speed controls on it as it is not a safe road to live on. He stated that as far as Ritter Drive goes, he wants to see something different done.

Kevin Higgs stated that he agrees with Mr. Beus and likes the speed signs on South Weber Drive. He suggested putting a stop sign on Freeway Park Drive before the intersection with 1500 West and allow the traffic on 1500 West to go straight through.

Robert Bruderer reported that he is a commuter from HAFB that is affected by the changes to Ritter Drive. He stated that after reading the minutes of the previous City Council meetings on-line and talking to other commuters, he got the impression that the City wants to divert the traffic onto Riverdale Road but doesn't want to provide an alternate route to get through the City. He stated that if there is a problem on Riverdale Road it is nice to have a back up.

Paul Holmes reported that he would like to see Ritter Drive opened up and widened. He would also like to see curb, gutter and sidewalks installed as he feels this isn't going to end. He stated that trying to shut down the road is not right.

Lisa Galvez reported that she is a former Riverdale resident who comes back often to visit family and friends. She stated that she ran into the effects of having Ritter Drive closed and would like to see a committee put together to look into a safer and viable alternative.

Debbie Jarman inquired as to how emergency preparedness is going in Riverdale City. She stated that she thinks the information on the City's website that Fire Chief, Doug Illum has provided is great, but that information needs to get to the public. She thinks that a lot of people do not have the internet and suggested having the information available in printed form. Mayor Burrows reported that the Council

took this under advisement some time ago and that there will be printed versions available and that the information could be put in the newsletter on how and where to get it.

E. Presentations and Reports

1. Mayor's Report

None

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 January.

<u>Employee</u>	<u>Length of Service</u>	<u>Department</u>
Randy Daily	32 years	Community Development
Kelly Rose	27 years	Public Works
Cindi LeFevre	14 years	Police
Bill Fuchs	11 years	Police
Larry Hansen	11 years	City Administration
Roger Wedde	10 years	Court
Stacey Comeau	5 years	Business Administration
Joseph McBride	2 years	Police

c. Staffing Authorization Plan

Larry Hansen discussed the report.

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

None

F. Consent Items

1. Approval of meeting minutes from:

January 5, 2010 Work Session

January 5, 2010 Regular City Council

2. Report on Condition of the Treasury for the month ending December 31, 2009.

Lynn Fortie went over the report for the month ending December 31, 2009.

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. Consideration of appeal – 2010 business license for Stor-N-Lock

Randy Daily reported that Mr. Jones from Stor-N-Lock is not here and that Mr. Jones felt the appeal letter he submitted represented his concerns regarding the business license fees for storage facilities in Riverdale City. He stated that Mr. Jones is appealing his 2010 business license renewal fee and is requesting that the Mayor and City Council reconsider the fees

charged for storage unit facilities. Mayor Burrows reported that Mr. Jones submitted a similar appeal a year ago which was denied. He stated that the fees are set unless the Council wishes to change them through the Consolidated Fee Schedule. Councilor Jenkins stated that this would be a third review of these fees. She reported that Councilor Arnold stated in the work session that the business license fees that are assessed on a business are a small part of the cost of doing business in Riverdale and that the overall cost structure such as property taxes, franchise fees, impact fees, should also be taken into consideration as a cost of business. She stated that property taxes are lower in Riverdale and that the City provides premier services.

Motion: Councilor Jenkins moved to deny the appeal in favor of leaving the fees as they are and not reviewing the Consolidated Fee schedule again. Councilor Arnold seconded the motion.

Councilor Gibby stated that he would like to feel more comfortable that Riverdale's business license fees for storage units are in line with other cities. Councilor Arnold reported that he researched that fees are assessed in many different ways to raise funds for cities. He pointed out that some cities don't have property taxes but have franchise fees and to have full discovery, all fees would need to be taken into consideration. Councilor Hunt stated that if they did that process for one business, he felt they should be done for all businesses.

Call the Question:

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

2. Consideration of awarding the RFP for auditing services.

Lynn Fortie reported that he received three responses to the RFP for auditing services: Crane, Christensen & Ambrose, Litz and Company, and Haynie and Company. He stated that Litz and Company has been the auditor for the last five years and that Crane, Christensen & Ambrose was the auditor before that. He stated that he feels good about both Crane, Christensen & Ambrose and Litz and Company, but is recommending going with Crane, Christensen & Ambrose as they submitted the lowest bid. Councilor Hunt stated that Litz and Company's bid showed that they would spend 220 hours on the audit and Crane, Christensen & Ambrose's bid would be less than half that and wondered if Mr. Fortie felt that would be adequate. Mr. Fortie stated that didn't remember seeing the hours submitted in the bids. Councilor Hunt reported that they provided rates and hours and Crane, Christensen & Ambrose submitted 95 hours versus 220 hours for Litz and Company. Mr. Fortie stated that that is a significant difference but that he is comfortable with either one and feels they have both done a good job in the past. Councilor Jenkins reported that while she has been on the Council she has worked with both of them. She stated that the only difference she sees is that Litz and Company gives the Council a good breakdown after the audit is over and she feels that is beneficial to the Council. Councilor Searle inquired if bid would be awarded for the next five years. Mr. Fortie replied that it is contingent in that if the audit work is satisfactory in 2010 then they would perform the audit for the next four years. He explained that keeps the cost down because an auditor spends a lot of time the first year getting to know how the City does things. Councilor Searle stated that perhaps Crane, Christensen & Ambrose could do a better final report if they were awarded the bid. Larry Hansen reported that they have given Litz and Company encouragement to improve the presentations to the Council and they listened. He stated that he feels the other firm could also give a better presentation if asked to do so.

Motion: Councilor Gibby moved to award the RFP for auditing services to Crane, Christensen, & Ambrose. Councilor Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

3. Review and Consideration of Ritter Drive status.

Police Chief, Dave Hansen, discussed the traffic statistics on Ritter Drive that has been gathered from the speed signs. He reported that traffic on 1750 West has gone down 90%. He reported that traffic on 1350 has gone down by 60% which means the traffic that cannot go through on Ritter Drive is changing the way they drive and possibly taking Riverdale Road instead. He stated that the officers are starting to issue citations. Mayor Burrows inquired if there had been an increase in accidents either on Ritter Drive or around it. Chief Hansen replied that he is not aware of any accidents on Ritter Drive since the traffic change and didn't know about the surrounding area. Mayor Burrows stated that he thinks they need to look at every aspect of the change to see if it is the right thing to do or not and how it may impact the traffic flow around Ritter Drive. Councilor Searle inquired if they could place a stop sign on Freeway Park Drive as was suggested during Open Communications. Councilor Gibby stated that would not be allowed. Councilor Searle also wondered if the slave light idea could be explored further. Councilor Arnold reported that the location of the speed signs that are collecting the data have been changed and he believes the earlier ones were placed lower on Ritter Drive and that traffic that was originally counted is no longer being counted. Chief Hansen replied that when the signs were initially put up it was for the purpose of slowing traffic and not collecting data for Ritter Drive, but noted that Councilor Arnold is right and people will be missed. Councilor Arnold stated that he previously brought up sidewalk safety and that some residents are not clearing the snow from their sidewalks on Ritter Drive. He stated that one resident did receive a fix it ticket. Chief Hansen replied that the Code Enforcement Officer sent out a couple of letters requesting that residents on Ritter Drive clear their sidewalks. Councilor Arnold stated that he also asked that the location of road closed sign at 1500 West be moved closer to the intersection instead of being placed 100 feet past it. Lynn Moulding replied that the traffic engineer the City hired recommended that placement so that the sign doesn't get knocked down and it gives people time to stop or back up. Councilor Arnold stated that this is a hot issue and there are strong feelings on both sides. He reported that the Council decided to try this for 90 days and everyone should make an attempt to embrace it during the trial period and come prepared to give logical conclusions. He stated that he is not in favor of the closure of the road but doesn't like to see people abuse it. Councilor Searle stated that a Master Transportation Plan was done in 2004 and feels that the Councilmembers should look at that as it has different options that would spread the traffic out and would help Ritter Drive. Mayor Burrows stated that could be reviewed at the Strategic Planning meeting. Councilor Jenkins stated that a determining factor from that traffic study was that the road was substandard in width as per the Master Plan and that improvements would have to be made at a significant cost. She reported that they made their decision based on the fact that costs were very extreme to widen the road and make those improvements. She stated that complaints are coming from people outside of the City but if the road is to be made to handle 1500 cars a day, the residents of Riverdale would have to pay the bill. She thinks they should get a ballpark amount of what it may cost to make those improvements. Larry Hansen reported that when they went through the Wilbur Smith study the estimated cost to make improvements was \$4 to \$5 million dollars to acquire the property and engineer the road. He stated that the improvements to the bottom portion of Ritter Drive cost less than one-half million dollars. He explained that because of

the cost to improve the top portion of Ritter Drive, Mr. Moulding got the road placed on a list for federal funding. He stated that if the answer is to make a large expenditure of money, then he feels they need to wait for a grant to make it fair to the tax payers; otherwise he feels that they should be looking at less expensive alternatives and continue to monitor the effects at the intersection of 1500 West and Freeway Park Drive and the affect to Riverdale road.

4. a. Consideration of preliminary bid for the new Riverdale Park restroom.

Lynn Moulding reported that the plan for the new restroom has six stalls on each side and will be 1,120 square feet with an additional 326 square feet for the maintenance area for the splash pad equipment. Councilor Jenkins inquired why Mr. Moulding indicated that he feels the price will increase in the Executive Summary. Mr. Moulding stated that he had a contractor give an estimate about 18 months ago for just the restroom of \$178,000 and that the budgeted amount is \$250,000. He reported that he felt that was a good number but he thinks it might come in higher, but he won't know until it is bid. Councilor Searle stated that seems like the City pays a lot for stuff and hopes they are looking at all different contracts and bidders. Mr. Moulding replied that restrooms aren't inexpensive and that 30 years ago the cost for a new restroom was \$45,000 and he only paid \$45,900 for a house at that time. Councilor Arnold inquired if the \$275,000 that is budgeted for the splash pad included money for the restroom. Mr. Moulding replied that amount includes the equipment that goes into the equipment room, but not the building itself.

Motion: Councilor Gibby moved to approve the preliminary bid for the new Riverdale Park restroom. Councilor Jenkins seconded the motion.

Call the Question:

The motion passed unanimously.

b. Consideration of demolition of existing Riverdale Park restroom.

Lynn Moulding reported that he needed to get Council approval to demolish the existing Riverdale Park restroom so that when they do get bids back for the new restroom, the site will be cleared to immediately begin work on the splash pad in order to have it finished by Memorial Day. Councilor Jenkins inquired if the demolition could take place now with the winter weather. Mr. Moulding replied that it can and that they would need to demolish the building between snowstorms.

Motion: Councilor Gibby moved to approve the demolition of the existing Riverdale Park restroom. Councilor Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

5. Consideration of Ordinance #752 amending Title 2, Boards and Commissions, Chapter 3, Planning Commission.

Mayor Burrows reported that he is proposing to space the terms of Planning Commissioners out so that when a new Mayor takes office, the new Mayor would not have to appoint a Planning Commissioner until after their first full year in office. Steve Brooks stated that he prepared a memo regarding "Advice and Consent" as the question was raised by Councilor's Jenkins and Arnold regarding who can appoint a Planning Commissioner. He reported that the actual appointment to the Planning Commission is the power of the Mayor. He explained that the Utah State Legislature is

clear about that and that can only be changed if the majority of the Council with the Mayor agreed or there was a unanimous vote of the Council to change the process. Councilor Jenkins stated that the sticking point for her is on the term “advice”. She stated that the process works but wondered how much involvement the City Council has in understanding the criteria of how Commissioners are chosen. She reported that she wants information on the process that is used. Mr. Brooks stated that advice is just that, the Council can give advice to the Mayor in advance and that the Mayor will give his recommendation based on his criteria. He explained that the City Council has the power to consent or oppose a candidate. He stated that this forces the Mayor and Council to work together in these decisions and not one or the other has more power than the other. Councilor Jenkins inquired if criteria would be considered part of the advice. Mr. Brooks stated that he thinks that is open and could be whatever the Council decides to pass on to the Mayor, but that they need to be careful of individual feelings. Councilor Hunt stated that he can see both sides and that his concern is that they are only given the names of the candidates in the Council Work Session prior to the meeting. He inquired if there is a formal process to pursue the advice portion of the criteria or do they do it informally with the Mayor. Mr. Brooks replied that these are all gray areas and that in the past the Mayor has come in and presented the names. He stated that they can give the Mayor advice, but there isn’t anything that says he has to listen to it. He reiterated that the Council has the power to advice and consent and the Mayor has the power to present the names. Councilor Hunt inquired if there is a process to make the appointments. Mr. Brooks replied that there is nothing written. Councilor Jenkins stated that criteria may be a more fair way to do this, and it could be based on things such as geographic location in the city, skill set, tenure, etc. She stated that she wants to know what the criteria was for selection, how many people have applied for this position, and who was interviewed. Mr. Brooks stated that they can ask those questions of the Mayor and he thinks that is part of their right to know and make it part of the factors that weigh in on consent issues. He reported that ideally it would be nice to have written criteria as to what types of things they are looking for. Councilor Arnold reported that he sees the Planning Commission as the preemptive strike to the Council and that the Mayor has a lot of influence over the staff. He stated that the Planning Commission makes recommendations to the Council and he wants to see those selected who look out for his best interest. He explained that he sat through an interview with the Mayor for the Planning Commission and thinks it is important to have different perspectives. Mr. Brooks reported that the Planning Commission can only follow Title 10 of the Riverdale City Code and anything they do has to come back to the City Council for approval. He stated that the Planning Commission should not do anything that the Council doesn’t put their stamp of approval on.

Motion: Councilor Gibby moved to approve Ordinance #752 amending portions of Riverdale Municipal Ordinance Code, Title 2, Chapter 3, Planning Commission by changing the terms of appointment of Commission members and adding language clarifying appointments of vacancies resulting from resignations, inserting necessary grammatical corrections and providing for severability and an effective date. Councilor Hunt seconded the motion.

Councilor Jenkins inquired if the motion included removing the word advice from section 2-3-3 as it isn’t in the proposed ordinance. Councilor Gibby stated that was not his intent.

Amended Motion: Councilor Gibby moved to add the word “advice” to section 2-3-3. Councilor Hunt as second agreed.

Councilor Searle inquired if a Planning Commissioner was elected to the City Council would they need to resign. Mr. Brooks stated that they would have to as they can't serve on both the Planning Commission and the City Council. Councilor Jenkins reported that the changes she proposed to Section 2-3-3 include the words resignation and removal. Mayor Burrows suggested including the first sentence from Councilor Jenkins proposed language to the first comma. Councilor Arnold suggested deleting the wording in the first sentence of Section 2-3-3 after the first comma as it is redundant.

Amended Motion: Councilor Gibby moved to change the first sentence in Section 2-3-3 to delete the wording after the comma - "or by the city council with the concurrence of the mayor". The second sentence was also changed to read: "Any replacement for a vacancy arising from the resignation, or removal of an incumbent commissioner shall be appointed by the mayor by and with the advice and consent of the city council for the remainder of the vacant term." Councilor Hunt as second agreed.

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.

6. Consideration of appointments:

a. Planning Commission

Mayor Burrows stated that he had 13 people who originally submitted their names to serve as a Planning Commissioner, which included the current Planning Commission. He reported that he interviewed 10 of the 13 candidates. Mayor Burrows recommended Michael Staten and Michael Hall as new Planning Commissioners for 4 year terms. He also recommended reappointing the Planning Commission to stagger their terms as follows: Alan Miller for a 1 year term; Blair Jones and Brent Ellis for two year terms; and Braden Mitchell and Bart Stevens for 3 year terms, effective February 1, 2010.

Councilor Jenkins stated that she wishes they had Mr. Brook's memo prior to the interviews as they would have given criteria to the Mayor on what they hoped he might look for. She reported that she thinks where people live in the city plays a big part in who should be on the Planning Commission so that all parts of the City are represented. She stated that she hopes they look at this process before next year and establish a criteria that they can all agree to and see as fair so they don't tread on the Mayor's authority in this area. Councilor Arnold stated that he would have felt more involved in the process if there been some sort of advice taken. Councilor Hunt reported that he appreciated Mr. Brooks memo and feels the lesson here is that the Council should be more proactive and communicate with the Mayor to make their desires and advice known.

b. Mayor Pro Tem

Mayor Burrows recommended Councilor Gibby to serve as Mayor Pro Tem for 1 year.

c. Senior's Board of Directors

Mayor Burrows recommended Councilor Searle to serve on the Senior's Board of Directors to replace former Councilor Peterson.

d. Judge

Mayor Burrows recommended reappointing Judge Michelle Heward. He stated that this will be the last time that the Council will re-appoint the judge as State law changed and the judge must then stand for a public retention vote during election voting.

Motion: Councilor Gibby moved to approve the appointments. Councilor Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

Mayor Burrows recommended recessing into the RDA meeting.

Motion: Councilor Gibby moved to recess into the RDA meeting. Councilor Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

The meeting recessed into the RDA meeting at 8:46 p.m.

The meeting reconvened at 9:52 p.m.

7. Consideration of adjournment into Closed Executive Session for the purpose of strategy sessions to discuss the character, professional competence, or physical or mental health of an individual pursuant to Utah Code 52-4-205(1)(a).

Motion: Councilor Gibby moved to adjourn into a Closed Executive Session. Councilor Jenkins seconded the motion.

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

The meeting recessed into the Closed Executive Session at 9:53 p.m.

The meeting reconvened at 10:57 p.m.

H. Discretionary Items

None

I. Adjournment

With no further business to come before the Council at this time, Councilor Hunt moved to adjourn the meeting. Councilor Jenkins seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 10:59 p.m.

Approved: February 2, 2010

Attest:

Bruce Burrows, Mayor

Marilyn Banasky, City Recorder