
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **June 1, 2010** at 6:10 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, James Ebert, Police Lieutenant; 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

Councilor Jenkins offered the Pledge of Allegiance. Mayor Burrows read a quote from Gunning Bedford.

C. Moment of Silence

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

D. Open Communications

Chuck Kerkvliet thanked the Mayor and Council for getting the Veteran's Memorial to this point. He thanked Larry Hansen for replacing the tattered flag. He gave an update on the Veteran's Committee and reported that they have sent letters to all the Riverdale businesses requesting donations for the memorial. He stated that they will be having a meeting tomorrow and will be discussing how to handle the flowers and mementos left behind at the memorial. He requested that the flag in front of the Civic Center to be flown at half mast on certain days such as Memorial Day, May 15th, Armed Forces Day, Korean War Veterans Day, September 11th or Patriots Day, Fire Prevention week, etc. He stated that some of those days the flag should only be flown at half mast for half a day and understands that on some of the holidays the Civic Center would be closed and perhaps the Police or someone from the Veteran's Committee could be responsible for the flag. Councilor Jenkins inquired if the veterans will have to pay for their own brick. Dave Leahy stated that the veteran's would have to pay for their own brick as it is hard to decipher who would get a free brick and who would pay. He reported that they have outlined in the brochures what is to go on the brick and feels it will be a rare case when someone can't pay and if that need arises, they will address it. Councilor Searle reported that he talked with an 85 year old World War II veteran who submitted a list of names, of which some of them don't have family

to purchase a tile and felt that also needed to be addressed. Mr. Leahy stated that the only issue is trying to verify that they were a Riverdale resident and a veteran.

E. Presentations and Reports

1. Mayor's Report

Mayor Burrows reported that the benches and large stone have been placed in the Civic Center courtyard for the Veteran's memorial and expressed thanks to the Committee for their hard work. He invited the Veteran's Committee members to attend the sunrise service at Old Glory Days and reported that there will be a brief ribbon cutting at the park for the new amenities.

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

F. Consent Items

1. Approval of meeting minutes from:

May 18, 2010 Work Session

May 18, 2010 Regular City Council

May 18, 2010 Closed Executive Session

May 22, 2010 Strategic Planning Work Session

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

Call the Question:

The motion passed unanimously.

G. Action Items

1. Public hearing to receive and consider public comment regarding proposed amendments to the FY 2010 budget.

Lynn Fortie discussed the proposed amendments to the FY 2010 budget.

Mayor Burrows opened the public hearing at 6:29 p.m.

There were no public comments given.

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

Call the Question:

The motion passed unanimously.

The public hearing closed at 6:30 p.m.

2. Public hearing to receive and consider public comment regarding proposed FY 2011 budget for all funds.

Lynn Fortie discussed the proposed FY 2011 budget amendments.

Mayor Burrows opened the public hearing at 6:31 p.m.

There were no public comments 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 closed at 6:31 p.m.

3. Public hearing to receive and consider public comment regarding proposed compensation and salary schedule of officers and staff.

Lynn Fortie discussed the proposed compensation and salary schedule of officers and staff.

Mayor Burrows opened the public hearing at 6:32 p.m.

There were no public comments given.

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

Call the Question:

The motion passed unanimously.

The public hearing closed at 6:33 p.m.

4. Consideration of Resolution #2010-17 adopting changes to the HR Policy Manual Section 8-4 Professional Development.

Lynn Fortie reported that this language came about from a request made by the City Council to draft a policy on Professional Development.

Motion: Councilor Hunt moved to approve Resolution #2010-17 adopting amendments to the Riverdale City Personnel Policies & Procedures Handbook. Councilor Searle seconded the motion.

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.

5. Discussion on adopting an Intern job description.

Larry Hansen reported that he has some concerns regarding interns after holding a follow up discussion with Human Resources regarding an intern's employment status. He stated that he is not sure that the benefits of having an intern outweigh the burden placed on staff to mentor and coach them. He explained that there are requirements under FLSA that govern whether an intern receives compensation or can work for free and receive education credits. He stated that in order to have an unpaid intern the job description must meet certain expectations and stringent guidelines. He reported that if the Council decides to adopt an intern job description and pursue having interns, that the City is not in a mode to add new positions. Councilor Gibby reported that his business usually

has two unpaid interns a year from Utah State University or Weber State University and that it takes a lot of time to train them before the intern can contribute to the business. He stated that he is not in favor of having a paid intern but is in favor of having an unpaid intern as the training gives them real world experience and school credit. Councilor Arnold stated that adopting the job description doesn't necessarily tie the City into hiring an intern. He stated that he is in favor of adopting the job description and then looking at the next step. Councilor Searle was concerned that hiring an intern could be disruptive. He stated that it may not be in the best interest of the City at this time. Councilor Jenkins reported that she understands what Councilor Gibby is saying but feels that a legal intern would be different as they couldn't even apply for an internship until they have been in law school for a certain period of time. She feels a legal intern could benefit the City and that they could accomplish much with little supervision. She stated that even if there is compensation, there aren't any benefits and the cost would be lower than hiring an attorney. She reported that an externship requires that the intern can't be paid and that there is the possibility of having a summer intern that could develop into an externship and the intern could be with the City for eight months. **Mayor Burrows asked for consensus to bring the Intern job description back for adoption. Consensus was reached.**

6. Consideration of Ordinance #759 amending Title 10, Chapter 12, Infill Lots.

Randy Daily reported that this change reflects the language that was proposed during the April 6, 2010, joint City Council and Planning Commission meeting. He stated that there has been a public hearing and that the Planning Commission recommended approval.

Motion: Councilor Hunt moved to approve Ordinance #759 amending Title 10, Zoning and Subdivision Regulations, Chapter 12, Infill Lots, Section 1, Purpose, to amend the statute to better clarify the Purpose portion of the statute, providing for severability and an effective date. Councilor Gibby seconded the motion.

Call the Question:

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

7. Consideration of Resolution #2010-21 amending Title 1, Chapter 12, Section 6, Public Works Fees.

Lynn Moulding reported that this change memorializes the current practice of taking off garbage fees if a resident turns off their water.

Motion: Councilor Gibby moved to approve Resolution #2010-21 amending the Consolidated Fee Schedule in the Riverdale Municipal Ordinance Code Title 1, Chapter 12, Section 6 – Public Works Fees. Councilor Arnold seconded the motion.

Call the Question:

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

8. Consideration of Payment Request #2 from Saunders Construction, Inc. for the Riverdale Park Restroom Building.

Lynn Moulding reported that Saunders Construction is requesting a progress payment of \$113,091.81 for the work they have done on the Riverdale Park Restroom. Councilor Jenkins stated

that the comments on the Executive Summary indicate that this project will go over budget and felt that Mr. Moulding had previously stated that it could be as much as \$275,000. Mr. Moulding replied that there were some significant things that they didn't anticipate and that he feels the project will be at \$260,000 and was budgeted for \$250,000.

Motion: Councilor Arnold moved to approve the progress payment of \$113,091.81 to Saunders Construction, Inc. for the Riverdale Park Restroom Building. Councilor Gibby seconded the motion.

Call the Question:

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

9. Consideration of Resolution #2010-20 to support the White Paper suggestions to URMMA in an effort to help contain litigation costs to URMMA participating cities.

Steve Brooks reported that the City doesn't have a lot of say in legal lawsuits due to their agreement with URMMA. He stated that he worked on the Reagan lawsuit until he didn't feel comfortable with it anymore and got in trouble with URMMA for doing any work on it at all. He explained that he was just trying to save the City money but that the agreement with URMMA doesn't allow that. He stated that he was pleased to know that West Jordan City felt the same frustration. He thinks their recommendations are valid and will help Riverdale.

Motion: Councilor Searle moved to approve Resolution #2010-20 supporting the White Paper suggestions to URMMA in an effort to help contain litigation costs to URMMA participating cities. Councilor Arnold seconded the motion.

Call the Question:

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

10. Reconsideration of amending the Parks Riverwalk PRUD site plan.

Motion: Councilor Searle moved to reconsider amending the Parks Riverwalk PRUD site plan. Councilor Hunt seconded the motion.

Call the Question:

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

Randy Daily reported that Kent Hill came into his office with a site plan and building plan for lot one. He stated that the City Building Official reviewed the house plan and it did not meet the minimum setback requirement as recorded on the final site plan that was submitted by Mr. Hill. The Building Official informed Mr. Hill that he couldn't build on lot one as it didn't meet the 20 foot front setback requirement. Mr. Daily reported that Mr. Hill then appeared before the Planning Commission to request a reduction of the front setback for the house portion only to 15 feet, which was approved by the Planning Commission, but denied by the City Council. He explained that Mr. Hill developed Parks Riverwalk under the old PRUD ordinance, which allowed for private roads. Steve Brooks reported that he was contacted by Mr. Hill's attorney who requested that this be

reviewed. Mr. Brooks stated that he did contact Mr. Hill's attorney to give him background information. Councilor Gibby stated that in lieu of the fact that Mr. Hill was accommodating to the City in widening the road width, he feels the City should be accommodating to him to allow the house to come out 5 feet. He stated that he would want the most value for those properties possible. Councilor Hunt inquired if the City required Mr. Hill to widen the road for public safety concerns or was it simply a suggestion by public safety. Mr. Daily replied that it was a recommendation to Mr. Hill that the fire department needed the road wider than was originally proposed due to turning radius issues and Mr. Hill agreed to widen the road. Councilor Hunt stated that he understands the concerns in bringing the living portion 5 feet closer to the road and inquired if all the driveways would remain at the 20 foot setback. Mr. Daily replied that the 20 foot setback requirement would only apply to two car driveways and if there was a 3rd or 4th car driveway those would not be regulated and could have a 15 foot setback. He stated that the requirement was for Mr. Hill to provide two off-street parking spaces that meet the minimum 20 foot setback. Councilor Searle reported that he was serving on the Planning Commission when this first came up and that the old PRUD ordinance was very vague. He stated that he doesn't like the short driveways and the narrow road even though it is now wider. He explained that he has a lot of friends in the Ridge PRUD, which is a similar project, in which the roads are 23 feet wide and that this road is 32 feet wide. He stated that their driveways are short but that they have bigger homes and they love living in the Ridge. He reported that he has given this a lot of thought and feels it is to the advantage of the residents to have larger homes to add property value. Councilor Jenkins stated that this is not a typical PRUD as it has an existing home in the center of the development. She feels the bottom line is that 15 feet is too close to a road and that it would not be desirable. She stated that Mr. Hill should have realized that widening the road would impact the front setbacks and that he should have negotiated the 15 foot setback much sooner to accommodate the 30 foot road.

Mayor Burrows allowed comments from the public.

Irene Voit reported that the main reason for the 20 foot front setback requirement was because of the narrowness of the road. She stated that Mr. Hill testified that although the site plan called for a 22 foot road to be built, he built a 32 foot road. She reported that she measured the entire road and at its widest, it is 24 feet. She stated that increasing the possible footprint in order to allow Mr. Hill to build bigger homes, will feel like a canyon going down that road. She stated that Mr. Hill appealed to the City Council that the houses he can build would be small, but she stated that 11 of the 14 lots can accommodate homes over 2,000 square feet with the existing footprint. She stated that she knows the City tries to accommodate Mr. Hill and Mr. Parks partly because of litigation and development, but feels it is time to stop accommodating their needs.

Mr. Daily stated he wasn't sure how the road was constructed and asked Mr. Moulding for direction. Mr. Moulding reported that the road width includes the right of way. He stated that he doesn't know for a fact about the road in question but would assume each gutter was 2 ½ feet wide with a 5 foot sidewalk, which would add an additional 10 feet to the road width for right of way. Mr. Daily reported that there is only sidewalk on one side of the road, which is the inside lots. Councilor Searle stated that the site plan indicated that the sidewalk would be on the outside lots. Mayor Burrows suggested that the City Council table this item and get all the facts to bring back. He stated that there have been valid points made.

Motion: Councilor Jenkins moved to table reconsider amending the Parks Riverwalk PRUD site plan. Councilor Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

H. Discretionary Items

Councilor Gibby reported that the cost for other Veteran memorial tiles are \$20 per tile as opposed to \$100, which he feels is high. He wondered if it was possible to see what the cost would be to do the tiles themselves or have the equipment available to do them ourselves. Mayor Burrows stated that his concern is that there was no indication of cost to the veteran’s when they originally talked to residents about submitting names. He thinks that the City needs to go as far as it can go with the original budget amount to help with that and feels it would be OK to look at additional funding. Councilor Searle reported that the Veteran’s Committee is trying to raise money to pour concrete and build islands at the Civic Center and are charging for the tiles to do this. He stated that the cost is less than other Veteran Memorials have charged and that part of the donation is tax deductible as it is a contribution. He stated that there is a concern about the 85 year old World War II veteran that doesn’t want to be on the memorial if other’s can’t be. He thinks they need to be lenient and take care of it. Councilor Jenkins stated that she drove past the memorial and feels the shrubs behind the Civic Center sign should be trimmed as they obstruct the view of the stone tablet from the street. She stated that she has been hit up a couple of times by people who felt their names were going on the stone and thinks it would be nice to contribute to ensure everyone that wants to be included, is included. She stated that the memorial is in the Riverdale City courtyard and feels the City could help out and still have the Veteran’s Committee pursue fundraising. A discussion was held regarding making the tiles more affordable, fundraising efforts, how to include of all those who submitted their name, and possibly rescoping the project. It was the feeling of the Council that they would like to provide a way for a Veteran to get a free tile if they cannot afford one. Mayor Burrows suggested that Councilor Searle report their concerns to the Veteran’s Committee at their next meeting and look at a way to accommodate for someone to get a free tile.

Councilor Searle reported that he drove on I-84 and that the flashing lights that UDOT stated they would install on the bridge were not there. He inquired as to when those might be installed. Mayor Burrows stated that he will find out.

Councilor Jenkins reported that she had incident where someone wrote her a bad check and she was sent to South Ogden’s court because she was a Riverdale Councilmember. She stated that Victim’s Advocacy teaches a class at Weber State University and asked her to participate in their class as a victim. She wondered if that was OK to do. Mr. Brooks stated that wouldn’t be a problem.

I. Adjournment

With no further business to come before the Council at this time, Councilor Arnold moved to adjourn the meeting. Councilor Hunt seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:54 p.m.

Approved: June 15, 2010

Attest:

Bruce Burrows, Mayor

Marilyn Banasky, City Recorder