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Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **October 19, 2010** at 6:00 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; Randy Daily, Community Development Director; Lynn Moulding, Public Works Director; Dave Hansen, Police Chief; Doug Illum, Fire Chief; Lynn Fortie, Business Administrator; Chris Stone, Business Administration; Marilyn Banasky, City Recorder; and 21 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 the Continental Congress.

**C. Moment of Silence**

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

**D. Open Communications**

Justin Baker reported that he is trying to get the ordinance for a dog at large tweaked so that dogs on private property can be off leash. He stated that he doesn't have a fenced-in yard and can't play fetch with his dog according to City Code. He stated that he is trying to get the ordinance changed to allow dogs to be off leash on private property or with the property owner's permission. He reported that he is not shooting for dogs to be off leash without supervision, but is shooting for a dog to be off leash, under supervision, or be able to run about it's own property or on private property with owner's permission. He stated that he has 85 signatures on a petition and is shooting for not only his dog, but other dogs to be able to play in their yard freely.

Lois Davis asked that the Mayor and City Council to not change this law. She reported that she has dogs running on her street all day long and if she wanted a dog she would have one. She stated that if a dog is in the yard with no leash and someone walked by with their pet, there is no way they can stop that pet from chasing the dog walking.

Lonnie Crosher, lives by Justin. He reported that about 20 years ago had a puppy, which was less than six months old, that was in the yard with his wife. He stated that the puppy was not on a leash and Animal Control stopped by and gave his wife a ticket that cost \$65.00. He stated that he has never seen a dog like Justin's that won't go on the street. He stated that he doesn't see dogs roaming the street and that most people walking dogs will walk it on a leash and clean up the mess. He stated that laws are good and agrees that if a dog is vicious that they need to be on a leash.

Meagan Baker stated that she understands the ordinance needs to be tweaked a bit. She understands people's fears but that they should expect people to overcome their fears so they don't live in bubbles. She stated that dogs that leave their yards would still be accountable to the law.

Dean Baker stated that he is aware that the police are illegally parking on sidewalks and around corners trying to catch speeders. He reported that he was a police officer for 10 years and never had to go to those lengths. He thinks it looks bad with them parking on the sidewalk or around the corner hiding around the fence coming up 300 West. He reported that if dogs are roaming loose then they need to beef up patrol in that area, but if a dog is in your own yard, they should have the right to do that. He feels that if a dog owner is very responsible then they should be able to do what they want on their own personal property.

Jerry Seifert, brought his dog into the Council meeting. He stated that it was a service dog. He stated that he doesn't know where Ms. Davis lives but his dog is pretty well behaved. He reported that he has seen Justin's dog run out like he is going to bite you and stops on the edge of the sidewalk. He feels he is a well mannered dog. He stated that people who let their dogs run should be ticketed. He reported that they live in a culdesac and are having a spook alley. He inquired if he needs an agreement from the individuals on the road saying they are OK to shut the road off. Mayor Burrows asked Mr. Seifert to check with City Administration.

Dave Morgan reported that he lives by Justin. He stated that he doesn't have a dog and doesn't want the responsibility. He stated that he won't hesitate to turn in a dog that comes into his yard, but that he has been in the neighborhood for a long time and never had that kind of a problem since he has been there. He wondered why have a dog if they have to keep it on a leash all the time.

Don Bradfield reported that he lives on 4400 South and would like to see the City work with people and try allowing dogs off leash on private property for a while. He suggested experimenting instead of voting it down and saying no. He stated there are a lot of responsible people in Riverdale that would take care of things. He stated that they should give everyone a break and try it and see what happens.

## **E. Presentations and Reports**

### **1. Mayor's Report**

Mayor Burrows reported that UDOT will hold a completion of the three phases of Riverdale Road celebration on October 30, 2010 in the Shopko parking lot from 11:30 a.m. to 1:30 pm. He stated they will have food, entertainment, and candy for kids in costumes.

### **2. Auditor's Report on FY2010**

Jeff Ambrose from Crane, Christiansen & Ambrose gave a slide presentation on the FY 2010 audit report.

### **3. Virtual Museum discussion - Gary Boatright and Chris Stone**

Chris Stone discussed a conceptual plan for a Virtual Museum section on the City’s web site. He reported that there is currently a history section on the web site, but that they want to expanded it and make it more interactive. He stated that a few months back a request went out in the City newsletter for histories and photos. He reported that Gary Boatright, Jr. offered his services to help with this project free of charge. He explained that Mr. Boatright is a lifelong Riverdale resident and a historian by profession.

Gary Boatright, Jr. reported that when he first saw the announcement in the City newsletter it dawned on him that he didn’t know anything about the history of Riverdale. He reported that he has worked long enough in historic preservation to know that that you can’t keep everything, but that doesn’t mean you have to forget about it. He would like to expand the web-page to include all aspects of Riverdale such as schools, design of the City, economic development, etc. Councilor Jenkins suggested interviewing long time residents and having the interviews available to watch on video.

**4. Splashpad report by Lynn Moulding**

Lynn Moulding reported that the Public Works Department spent \$20,275 for supplies, chemicals, power, wages and benefits to take care of splashpad and restroom. He estimated they spent 5.5 man hours per day for 7 days a week on it. He reported that they spent over \$19,000 for wages and benefits, \$2,900 for chemicals and supplies and \$1,160 for electricity. He believes that the man hours will be reduced by 1 man hour per day next year, due to a black box malfunction this year. Councilor Gibby inquired if he had an estimate of use. Mr. Moulding replied that he didn’t. Councilor Gibby noticed that on a busy weekend there were as many as 200 – 300 kids at a time using the splashpad.

**5. City 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 October.

<b>Employee</b>	<b>Length of Service</b>	<b>Department</b>
Richard Flaig	28 years	Fire
Eddie Graham	13 years	Fire
Aaron Byington	11 years	Fire
Larry Seibel	10 years	Community Services
Amy Marks	6 years	Court
Krystn Hinojosa	6 years	Fire
Britney Gines	2 years	Community Services

**c. Staffing Authorization Plan**

Larry Hansen discussed the report.

**6. Recorder’s Report (Review status of Council requested follow-up items.)**

None

**F. Consent Items**

- 1. Approval of meeting minutes from:  
October 5, 2010 Work Session**

## October 5, 2010 Regular City Council

### 2. Report on Condition of the Treasury for the month ending September 30, 2010.

**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 Ordinance # 773 amending Title 5, Chapter 4: Animal Control, Section 1: Definitions.

Police Chief Dave Hansen reported that the City Council asked him to address some possible ambiguities in the Animal Control ordinance that defined Animal at Large and Animal Under Restraint. He stated that the proposed language change addresses those ambiguities. Councilor Arnold stated that he saw two instances this week where dogs have went after each other with their owners present. Chief Hansen suggested that the definition of Animal at Large could be changed to add the word "on" to #1 to read, "on or off the owner's property..." Councilor Searle stated that the definition doesn't say the dog must be on a leash. Councilor Hunt inquired if a dog must be under restraint at all times. Chief Hansen replied that it does and that can be accomplished with a leash or being in a fenced yard. Councilor Searle suggested deleting the Animal Under Restraint definition. Councilor Jenkins stated that she liked the original language. Councilor Hunt inquired what liability the City would have if this were relaxed at all to allow dogs to be unrestrained on private property. Steve Brooks reported that they have focused on the dog owners rights but stated that the Council needs to weigh rights that include any individual walking on the sidewalk or the street with the dog owners rights. He stated that he would have to lean in favor of the expectation of the individual walking on the sidewalk or street for peace and safety on a public street. He thinks that outweighs the dog owners right. He stated that when a person chooses to take on a dog, they choose to take on additional responsibilities. He thinks that when they weigh those two opposing rights, the stronger argument is for free travel without fear of being charged by a dog. Councilor Jenkins stated that if they were to open this up on a trial basis, the Animal Control Officer wouldn't be able to keep up with complaints. Councilor Gibby thinks people have the expectation that they can walk through a neighborhood, even one they don't reside in, without fear of an unrestrained dog.

**Motion:** Councilor Gibby moved to delete the definition entitled Animal under Restraint and approve Ordinance #773 as amended.

The motion died for lack of a second.

A discussion was held regarding whether or not # 2 was needed in the Animal at Large definition. Mr. Brooks stated that #2 is needed to define that dogs would need to be restrained on private property.

**Motion:** Councilor Jenkins moved to approve Ordinance #773 with the following changes: 1) strike the phrase "under restraint or" in #2 of the Animal At Large definition, and 2) delete the Animal Under Restraint definition in its entirety. Councilor Searle seconded the motion.

**Call the Question:**

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

Mayor Burrows recommended recessing into the RDA meeting.

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

**Call the Question:**

The motion passed unanimously.

The meeting recessed at 7:28 p.m.

The meeting reconvened at 8:52

**2. Consideration of Old Glory Days Risk Management issue.**

Mayor Burrows reported that it is his intention is to continue having candy in the Old Glory Days parade but wants to find a safe way to manage that. Larry Hansen stated that the Risk Management minutes used the terminology “policy” but should have used the terminology “practice”. He referred to the newspaper article that North Ogden City Council considered their policy of throwing candy in their parade. He explained that he received feedback from the most recent Old Glory Days parade that it is a dangerous practice. He stated that the Risk Management Committee has a responsibility to not only mitigate outcomes of incidents but try to prevent incidents and the Committee felt the Old Glory Days Committee should look at options. Councilor Arnold stated that when he read the Risk Management minutes it looked like it was being brought up to change the practice and that he really likes that about the parade. He stated that he sees what they are trying to do but wants to still throw candy. Councilor Jenkins stated that she looks at this recommendation as another committee telling them what to do. She wondered if the police department could put down tape and try to keep people behind the line. She wants to brainstorm on how to keep people safe. **Mayor Burrows asked for consensus to do away with throwing candy in the Old Glory Days parade. Consensus was not reached.**

Mayor Burrows reported that the way some kids run out in the street scares him. He stated that the police do go up and down the parade route to try to keep the crowd back. He feels the tape or temporary line on the pavement might work. Councilor Gibby suggested having guidelines regarding throwing candy and give them to every parade participant before the parade begins. He stated that they shouldn't throw candy until the parade gets going and that he would like to see a bicycle patrol to keep people back. He thinks the Old Glory Days and Risk Management Committee could look at it and see what makes sense. Councilor Searle stated that he noticed a problem with children getting close and worries about the tape or line thing. He suggested having a different type of vehicle to throw candy out of. He would like to have the Risk Management Committee or another committee work this through and come up with some guidelines right away. Mr. Hansen stated that he wants clarification that three City Councilmembers want input. He reported that the Risk Management Committee has suggested that the Old Glory Days Committee should look at options, but if the City Council wants to get more engaged, he needs to know that or it will be passed on to the Old Glory Days Committee. Councilor Jenkins feels that because this is a safety issue she thinks that the appropriate body should look at it, but wants the City Council to see a final review to have legal and public safety look at it. Councilor Arnold stated that he likes it how it was but understands that they need to do something. He feels that if they put too much regulation on the parade, that it

takes the fun out of it. Councilor Hunt stated that common sense should rule. Councilor Gibby stated that he doesn't think it should come back to the Council and is comfortable with letting the Risk Management and Old Glory Days Committees handle it. **Mayor Burrows asked for consensus to bring the Old Glory Days and Risk Management Committee's recommendation back to the City Council. Consensus was reached.**

**3. Consideration of Ordinance # 774 making certain changes to Title 5, Police Regulation, by creating Chapter 6 pertaining to the purchase, possession, sale and offering for sale of a common drug-type substance commonly known as Spice.**

Police Chief Dave Hansen reported that he had previously talked to Mayor Burrows and recommended waiting for the State to put their law into effect banning the sale of Spice but that won't be in effect until March, 2012. He stated now that most cities around Riverdale are outlawing Spice it may cause Riverdale to be the distribution hub. He stated that he sent Sergeant McIntosh into the smoke shop in Riverdale to see if they were selling Spice and they were. He explained that Spice is about five times stronger than regular marijuana and has a PCP type effect on users, who rush to the hospital or call an ambulance which overloads the hospitals. He feels like they can't wait until March but need to protect the citizens of Riverdale by outlawing the sale of Spice now. Steve Brooks reported that the language in paragraph G needs to be corrected. He stated that all but the last sentence in paragraph G needs to be stricken and be reworded to read "Each day during which a violation of this Chapter occurs shall constitute a separate offense".

**Motion:** Councilor Arnold moved to approve Ordinance #774 making certain changes to Title 5, Police Regulation, by creating Chapter 6 pertaining to the purchase, possession, sale and offering for sale of a common drug-type substance commonly known as Spice, with the changes that Legal Counsel put forth. Councilor Gibby seconded the motion.

**Call the Question:**

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

**4. Consideration of Ordinance #772 Title 10, Chapter 14, Section 4: Yard Regulations.**

Randy Daily reported that this change is necessary to be in compliance with new building codes. He reported that the Planning Commission held a public hearing and forwarded a favorable recommendation to the City Council for its adoption. Councilor Jenkins suggested having depictions on the web-page or attached to the ordinance to help alleviate some of the confusion on setback requirements in this ordinance. Mr. Daily agreed and stated that he could attach some pictorial examples of setbacks such as is currently being done for fences. **Mayor Burrows asked for consensus to include examples. Consensus was reached.**

**Motion:** Councilor Hunt moved to approve Ordinance #772 amending Title 10, Zoning and Subdivision Regulations, Chapter 14, Regulations Applicable to all Zones: Section 4, Yard Regulations, to amend portions of said ordinance to make an amendment applicable to detached garages and accessory buildings and allowable setbacks; providing for severability; repealing all ordinances in conflict herewith; and providing an effective date upon publication as required by law. Councilor Jenkins seconded the motion.

**Call the Question:**

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

**5. Consideration of Resolution #2010-13 establishing Council Rules and Procedures.**

No action was taken on this item. Larry Hansen stated that due to having the Strategic Planning meeting on November 3, 2010, this item will not be on the agenda again until November 16, 2010. **Mayor Burrows asked for consensus to have this item back on the November 16, 2010 City Council meeting. Consensus was reached.**

**H. Discretionary Items**

Councilor Arnold inquired if the Civic Center building could be open for the Veteran's Memorial dedication ceremony that will be held on Veteran's Day as that is a holiday for City employees. Larry Hansen stated that he will ensure that they have access to the building.

Councilor Searle inquired about the status of the sign with flashing lights at the I-84 ramp where the apple trucks have rolled over. Mayor Burrows replied that he brought it up to UDOT again and was told that and the signs have not yet arrived.

Councilor Searle reported that he had a resident on Ritter Drive and one on South Weber Drive tell him that people are still going through the one-way portion on the west end of Ritter Drive.

Councilor Searle stated that he turned in concerns from several people at the first of the year regarding the no left turn at the first Walmart entrance. He stated that they were unhappy because everyone turns left and disregards the sign. He stated that the sign is most of the way through the intersection and not before it. He wondered if they should take the sign down and let people turn left into Walmart at that entrance. Chief Hansen reported that they could write tickets there all day long and stated that if the Council wants the police to heavily enforce it they will, or they can pull the sign down. Mayor Burrows reported that at Christmas time the traffic backs up into the intersection and then people are bottle necking to turn left. He suggested having the Risk Management Committee look at it. Councilor Searle stated that he feels it isn't right the way it is. Councilor Jenkins suggested that they find out why the sign was put there in the first place. A discussion was held regarding taking down the sign, placing cones in the first Walmart driveway to block traffic from turning into it, or placing cones in the road to create a temporary median.

**I. Adjournment**

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Arnold seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:34 p.m.

Approved: November 3, 2010

Attest:

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Bruce Burrows, Mayor

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Marilyn Banasky, City Recorder