



Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **April 19, 2011** at 6:05 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present: Larry Hansen, City Administrator, Lynn Moulding, Public Works Director, Randy Daily, Community Development Director, Dave Hansen, Police Chief, James Ebert, Police Lieutenant, Lynn Fortie, Business Administrator, Stacey Comeau, Human Resources Director, Ember Herrick, City Recorder and 25 citizens.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed those present including the Council members with Councilor Jenkins on the phone from Arizona.

B. Pledge of Allegiance

Councilor Searle led the Pledge of Allegiance. Mayor Burrows read a quote from 1765 by John Adams written as part of his notes for dissertation about the feudal law system on how America's settlement is part of a grand design to illuminate the ignorant and free the enslaved all over the earth.

C. Moment of Silence

Mayor Burrow's quote was followed by a moment of silence when he asked the audience to remember those affected by flooding.

D. Open Communications

Mayor Burrows advised the public about the rules of open communications and encouraged anyone wishing to address the Council to speak.

Velden Wardle lives in the River Glen subdivision but said his property wasn't impacted by the flooding. He said that he appreciates the response of the city, fire, and police to help his flooded neighbors but wants to know what the plan for the future is to address future flooding danger in the River Glen area. Mayor Burrows told Mr. Wardle that Fire Chief Doug Illum who is the city's Emergency Response Coordinator will join the meeting shortly with a flooding update and encouraged Mr. Wardle and other members of the public to share their flooding concerns at that time.

Lois Davis asked if the seniors can have more space on the newsletter instead of publishing the community development projects report. City Administrator Larry Hansen said there have been

numerous requests from the public for information about new construction in the community and that the feedback on the projects report shows it is a popular use of the newsletter space. He said that the city tries to accommodate the seniors when they have events that can be notified in the newsletter but also encouraged her to work with the Seniors Committee to explore additional ways to inform the community. Mayor Burrows said that he would ask Chris Stone who is responsible for the newsletter to follow up with the Seniors Committee on this request.

James Ebert Riverdale Police Lieutenant told the Mayor and Council that in the last 6 to 8 months the police force has been dealing with more dangerous situations and individuals. He outlined incidents from August through the present involving firearms recovered after routine traffic stops, police vehicles being struck, domestic violence situations including one ending in a suicide and a police pursuit with a bank robber that ended up being shot by South Ogden officers. According to Lieutenant Ebert, Riverdale officers deal with 18 known gang members and violent crimes putting their lives on the line on a regular business. He would like the Council to remember the role Riverdale's officers' play in protecting the city and added that the best way to recognize their sacrifices is by making decisions about pay and benefits that are in these public servants' best interest tonight.

Riverdale police officer Joseph McBride said that he came to work for the city three years ago, and has some concerns about possible changes to employee wages and health insurance. He said that he recently had a son born 2 ½ months prematurely which led to \$185,000 in medical bills \$75,000 of which his family has to pay out of pocket. He stated that taking care of his family earning less than \$20 an hour gets harder every time insurance premiums go up and told the Council that the annual step increase empowers him to take care of his family. Officer McBride reminded the Council that the police force has a dangerous job to perform and that creating a happy and healthy work environment is key to keeping our community safe. He said that it is not just a question of money, but that people's lives will be affected by the HR decisions the Council makes tonight.

There were no additional comments.

E. Presentations and Reports

1. Mayor's Report

Mayor Burrows reminded the Council of the town meeting and public hearing to discuss recycling that will be held at 7 PM at the Community Center on Wednesday, April 20. He said there is also a Strategic Planning Meeting scheduled for Saturday May 21 to considering budget items and on Saturday April 23 there is an Easter Egg Hunt at Riverdale Park beginning at 10 AM. Mayor Burrows invited the Council to attend a business luncheon on Friday April 29 at noon at the Community Center to talk to local business leaders.

Mayor Burrows then addressed the river situation and coordination efforts to alleviate flood danger. Chief Illum told the public that the river has receded to 3740 cfs today which is down from its high yesterday of just under 5,000 cfs for approximately 20 hours. According to Chief Illum this is still under March's high of 5,600 cfs. He also reported that sump pumps were still running in some of the homes in River Glen and that volunteers were busy filling sandbags. Chief

Illum said with the Council's approval the city would like to use two pumps to move ground water from 575 W. 3550 S. where levels are highest to a spot in the main channel further down river. He said that city workers were monitoring the river around the clock and informed the Council that erosion is occurring and that Mr. Moulding would discuss what his crew is doing to shore up the banks. Mr. Moulding said 200 feet of new trail had been eroded away across from Riverdale Mobile Estates and north of the kayak park. According to Chief Illum, the situation has improved, although the river is still above bank flow, it is being closely monitored and the city is following the emergency plan in place and the CERT team and local LDS church ward and stake volunteers are coordinating to address flooding concerns as they arise. He reported that this is the first major incident in seven years and added that although there is always room for improvement he has been impressed with the ability of the different departments to work together.

Mr. Hansen said the city's emergency plan is being followed with manpower and volunteers lined up to address problems as they arise and added that he thinks the plan to divert the storm drain water downstream is wise. He said updates are being posted regularly on the city website. He appreciates the efforts of staff and volunteers and stated the commitment of the city to help residents cope as the threat of flooding continues through the coming month.

Mayor Burrows said the flooding to date has been different than what was anticipated as it didn't result from the river overflowing its banks but saturated ground water bubbling up and flooding low-lying homes. He informed the public that a sink hole was discovered and said that the Council had been called in the previous evening to officially close the trail as a safety precaution until further notice. According to Mayor Burrows, the police have posted notification at all the entrances to inform the public about the closure. He asked members of the public to report any problems they observe so that the city can continue to keep the public safe.

Admin Report

Mr. Hansen informed that public that packets with all of the supporting documents for each public meeting are available at www.riverdalecity.com. He recognized the staff members who are enjoying an anniversary with the city and reported that there are currently 76 FTE approved positions but the city is functioning with just 69.75 FTE at this time which is 6.25 FTE under authorization.

Councilor Searle reminded the Council that they had promised to address Mr. Wardle's question when they had the discussion on flooding. Mayor Burrows asked Mr. Wardle to restate his question. Mr. Wardle asked about long-term solutions for River Glen when the immediate flooding threat is over. Mayor Burrows said the Council and city will need to address ground water concerns in the future and asked the public if anyone had additional comments or questions about flooding at this time, there were none.

Treasury Report

Business Administrator Lynn Fortie presented the March treasury report to the Council. He said that this was a typical month and that the only unusual items included a cost of \$16,000 from the general fund to add power to the bleachers. He said that part of that cost was covered by a RAMP grant and added that in the motor pool there was a payment of \$134,000 for the city's new ambulance. There were no questions from the Council on the treasury report.

Community Development Status Report

Mayor Burrows stated that the Community Development Report (CDR) is on the city website and in the monthly newsletter. No changes to the report were noted. Councilor Arnold said it is available on the website and suggested it not take up space in the newsletter to allow more room for the seniors. Councilor Jenkins said residents without access to the internet would be at a disadvantage if the CDR was removed from the newsletter. Councilor Searle suggested both remain in the newsletter with the two sharing the column space. **Mayor Burrows asked the Council for consensus for both to remain in the newsletter with each compromising by taking up less space and consensus was reached to make this change.**

Recorder's Report

No changes were noted.

F. Consent Items

- 1. Consideration of meeting minutes from:**
 - April 5, 2011 City Council Work Session
 - April 5, 2011 City Council Regular Session

No changes or amendments to the minutes were noted.

- 2. Set a public hearing for May 3, 2011 to declare certain personal property as surplus to the needs of Riverdale City.**

There was no discussion on setting a public hearing on surplus property for May 3, 2011.

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

Call the Question: The motion passed unanimously.

G. Action Items

- 1. Discussion and consideration of action in giving guidance and parade recommendations to the Old Glory Days Committee.**

Community Services Director Jeannette Hall reported to the Council that during the Old Glory Days Parade last July she was concerned about some close calls as children ran out in the street to retrieve candy thrown from parade floats. She said that she agrees with the Risk Management Committee's recommendation that people walk alongside the crowd and distribute candy rather than throw it from moving parade floats so that pieces aren't in the street to tempt children to run into the road. Ms. Hall acknowledged the presence of Lorrie Frazier North Ogden's Cherry Days Parade Organizer who has helped implement a program where designated spotters monitor the throwing of candy along the parade route in that city.

Councilor Arnold said he likes the traditions of throwing candy from vehicles but would like to see the candy thrown further. He added that better education and warning parents to watch their kids could alleviate some of the danger.

Councilor Gibby said he also likes the tradition but wants the candy and kids off the street, through greater patrolling. He suggested enlisting volunteers from Shriners Hospital for Children to assist the police in pushing the crowd back and encouraged the parade organizers to inform those on floats to throw the candy further and possibly limit the age of candy throwers to mitigate the danger without ruining a fun tradition.

Councilor Hunt complimented North Ogden on their efforts to keep kids safe and agreed that the organizers need to educate those who participate in the event to use care and caution in distributing candy without taking all the fun out of the event. He said if the public is warned, if there is a police presence there, and if those throwing the candy are educated then he feels the goal of making parade a safe environment with sterilizing it can be accomplished.

Councilor Searle asked how people walking alongside the float would refill their candy supplies and Ms. Hall said in North Ogden they wear backpacks. Ms. Hall said that she purchases 16 cases of candy for the Council and Grand Marshall to distribute which she admits would be a difficult amount for people walking to carry. She also recognized that having walkers get candy off moving float creates a second hazard.

Councilor Jenkins said she would like to do some research to explore creative solutions other cities have implemented to distribute candy safely in parades before making a decision. She also recommended having adults ride their bikes along the route to help police it. Councilor Gibby suggested having the police on bikes rather than motorcycles to alleviate some of the risk of having a child hit by a moving vehicle. Councilor Searle agreed with Councilor Jenkins about investigating other possible solutions further before taking action on this item.

Ms. Hall said they have already received several requests for parade floats and need to get the information out to participants so she encouraged the Council to act on this action item tonight.

Motion: Councilor Jenkins suggested the Council allow candy to be thrown but reinforce safety efforts. Councilor Gibby seconded the motion adding a friendly amendment that the parade organizers distribute instructions to participants informing them about the safety concerns and instructing them that individuals throwing candy must not attract children into the streets. Councilor Jenkins accepted the friendly amendment.

Mayor Burrows asked for discussion on the motion. Councilor Arnold asked for clarification about the safety measures alluded to in the motion. Councilor Jenkins said safety is the priority, but candy will still be thrown from parade floats.

Call the Question: The motion passed unanimously.

Mayor Burrows said that will be the procedure for this year and stated that the Council will re-evaluate the policy pending the outcome of this year's parade.

2. Consideration of amending code 10-9B-2 Permitted Uses for Accessory Buildings and Uses in residential zones.

Community Development Director Randy Daily said this amendment will clarify when an accessory building can be constructed in a residential area, stating that the Planning Commission and Mr. Daily recommend it for approval.

Councilor Gibby asked if the language could be simplified and Mr. Daily said a list of all the “R” zones is needed as it is a change in each residential zone.

Councilor Arnold said he wanted to build an accessory building prior to the building of his home on Ritter Drive, and doesn’t agree with this ordinance as he feels that property owners should have the right to do what they want with their property. Mr. Daily said that in most residential areas there are restrictive covenants for each subdivision prohibiting property owners from doing what they want with all of their land. He said in subdivisions designated residential the Planning Commission agrees that homes should be the primary structure built before an accessory building. Mr. Daily added that in his research he checked to see what the county ordinance said about accessory buildings and was told that the county also needs to clarify when accessory buildings can be built. He said this change will clarify when accessory building can be built in residential zones in Riverdale where homes are intended as the primary structures.

Councilor Hunt said if the city allows buildings other than residences in “R” zones it can lead to nuisance because people may not maintain their property if they don’t live in close proximity. He said the city has a hard enough time getting residents to care for their yards.

Councilor Jenkins asked what would happen if two lots are combined. Mr. Daily said the zoning doesn’t change, it is still two lots, unless the lot line is dissolved and stated his opinion that it is better not to allow non-conforming buildings to be built before the primary structure in residential zones. Councilor Searle said the lot line must be removed to make it one lot and allow people to just build a garage or shed on their adjacent property.

Motion: Councilor Gibby moved to approve Ordinance 784 amending code 10-9B-2 Permitted Uses for Accessory Building and Uses in Residential Zones RE-15, RE-20, R-1-4.5, R-1-6, R-1-8, R-1-10, R-2, R-3, R-4, and R-5. Seconded by Councilor Searle.

There was no discussion on the motion.

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

3. Consideration of bid selection for 10” Culinary Waterline Replacement Project Riverside Golf Course.

Public Works Director Lynn Moulding said that a 10” water line needed to be replaced on the Riverside Golf Course because it is old and leaking and caused flooding on the course last summer. He informed the Council that after an open bidding process, the lowest bidder was Mecham Brothers Inc. at \$40,150.00 and he recommend the Council award them the contract.

Councilor Arnold asked why CEC Civil Engineering Consultants, PLLC had put together the bid instead of city employees and Mr. Moulding said an outside party was used to check for math errors but it was the city that noticed and received the actual bids.

Councilor Jenkins asked Mr. Moulding if there could be a change order or unforeseen costs. Mr. Moulding said mobilization costs differ by contractor but explained that the water line is 9 feet deep and will be brought up to 4 feet with the new pipe on top of the old one. Councilor Jenkins asked why the bid was nearly \$8,000 more than the engineer estimated and Mr. Moulding said there were additional costs accrued from new UDOT requirements.

Motion: Councilor Hunt moved to award the contract for the 10” Culinary Waterline Replacement Project Riverside Golf Course to Mecham Brothers Inc. Councilor Gibby seconded the motion.

Mayor Burrows asked for discussion on the motion and Councilor Hunt asked where the money would come from as this pipe replacement was not foreseen or part of the annual budget. Mr. Hansen said the funds would come from the water enterprise fund.

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

4. Discussion and consideration of action on HR policy issues for completion of FY 2012 tentative budget draft and employees open enrollment.

Mr. Hansen discussed HR policy changes for the Council’s consideration prior to the upcoming PEHP health insurance open enrollment period. To prepare for expected tax revenue cuts, Mr. Hansen told the Council that he had requested all city employees and departments brainstorm suggestions for cost-cutting measures. Mr. Hansen informed the Council that the budget in the general fund must be balanced in revenues and expenditures each year and said that after evaluating each department’s budgets for the next fiscal year, Mr. Fortie had projected a new budget surplus equal to or more than what was set aside for the current year. According to Mr. Hansen the city has saved \$314,000 this year and projects savings of \$320,000 in surplus for the coming fiscal year. Councilor Jenkins asked what surpluses the city had experienced in the past and Mr. Hansen said that in its best years, a \$700,000 surplus was common.

Mr. Hansen addressed past complaints from members of the Council that the city administration and department heads are overpaid, explaining that employee salaries and wages are lower for the city’s highest paid employees than many neighboring cities in the state. According to Mr. Hansen, there was an overall decrease in wages surveyed last year and annual wage increases are a built in part of a step increase system adopted by the city years ago. He said that in light of these most recent budget numbers, he recommends the step increase for all employees except administration and department heads who have agreed to forgo a wage increase in FY 2012. According to Mr. Hansen, some other employees earning equal to or higher than other workers in similar positions in neighboring cities according to the survey may also forgo a pay increase in FY 2012. Mr. Hansen said using the existing scale with the step increases results in a 1.9% increase in pay for

2012 which should benefit the lower paid city employees and the police officers that have expressed concerns during open communications tonight. Mr. Hansen said that he had met with the entire staff and explained the city's current financial situation and that every department would need to tighten their belts and as a result would recommend that there be no annual incentive performance evaluation of 1% for fiscal year 2012. He reminded the Council that they do have the ability to adjust the budget, but he doesn't feel this will be necessary in the coming year.

Mr. Hansen moved on to a discussion of Part B health and dental insurance through PEHP and said the new rates for 2012 have just been released and have only increased for one of five plans the Summit Plan. He explained a new high deductible health plan that PEHP is offering this year that allows for a health savings account to accrue which carries over each year unlike the current flex plan which is use or lose. Mr. Hansen told the Council that if the city offers this plan they will no longer offer employees the lower deductible Option 1 plans. Mr. Hansen said the city offering employees an incentive program has saved an average annual \$42,000 in health insurance costs in recent years. He added that with the addition of a new higher deductible plan, he believes the city would need to initially incentivize employees by offering them an increased incentive instead of the current 50/50 split at least for the first year. Mr. Hansen recommended this new option as being in the long-term best interest of the city.

Mr. Hansen said that his final recommendation was that the city continues the current retirement policy established in 2001 with a 17.4% contribution rate with a match to the 457 or 401K Plan. He anticipated that the match will eventually go away as pension contribution rates continue to rise.

In the last strategic planning meeting Mr. Hansen stated that early retirement options were discussed and said that under the existing budget some payout of leave is already included per policy.

Councilor Jenkins asked about the demographics of the city and how Riverdale compares to cities like Park City and Heber City. According to Mr. Hansen, the Council has already received information on how Riverdale compares to Park City and Heber City. Councilor Jenkins also wanted to know under the new health care reform legislation how much preventative care would be covered by health insurance companies. Human Resources Director Stacey Comeau said that under the new health care reform law all plans and all preventative care will be covered regardless of your health insurance plan. If you need several preventative tests or procedures she said there is no limit to the amount of care an individual can have annually. Councilor Jenkins said that she doesn't want to see employees have options to not contribute to the Health Savings Account (HSA) as she doesn't believe employees will save the money the city refunds to them if it is returned and not required to go into an HSA.

Councilor Gibby asked about employee feedback regarding the HR proposals Mr. Hansen had just made to the Council and Mr. Hansen said that members of the staff are very concerned about their health insurance going up without receiving a pay increase in the coming year. He said that is why based on the latest survey results and the numbers in the tentative budget showing a surplus in 2012 he is recommending the standard annual wage increase for all city employees except himself and the department heads that collectively agreed to a wage freeze for the coming year.

Councilor Searle asked how the city employees pay is determined and Mr. Hansen explained pay ranges for each position are determined through the Tech Net surveys of what other cities pay and include 18 annual step increases over the course of one's career. Councilor Hunt asked how Riverdale compares with other cities and Mr. Hansen said the city pays about 10% better than the average of other municipalities.

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

Mayor Burrows asked for discussion on the motion and Councilor Jenkins said she disagrees with removing the lower deductible health insurance option and doesn't believe the city should be in a 50% share position with employees unless the money goes directly into funding an HSA.

Councilor Arnold said he doesn't believe government employees should be highly paid but thinks they are entitled to good health insurance benefits. He said that he has an issue with the city's highest paid employees and called the city administrator's wages obscene. Councilor Arnold expressed the opinion that the city administrator and attorney should not make more than the city employees who work for the police and fire departments. He added that he would rather any revenue surplus be used for city improvements not employee salaries.

Councilor Gibby pointed out that Mr. Hansen the city administrator and the city attorney Steve Brooks could both make more money in the private sector and are both highly qualified for their positions with years of experience. He added that it was in Riverdale's best interest to employ professionals to manage the city's affairs and said that he is proud of the performance of all Riverdale city employees, including the department heads.

Councilor Searle said that Riverdale's city administrator is paid based on the survey and earns a wage comparable to all the city administrators across the state. He added that in paying slightly more Riverdale is able to draw the top employees at a benefit to the city.

Councilor Jenkins said she would like to discuss these issues more candidly and believes employees in administrative rolls should be paid depending on how many individuals they oversee and their duties. Mayor Burrows said if the Council wished to discuss the wages of a single individual that would not be appropriate outside of an executive session and reminded the Council that anytime two or more Council members want an executive session they can simply call for it by making a motion.

Mr. Hansen said he appreciates the Council's interest in determining wage compensation that works with the city's long-term interests. Mr. Hansen reminded the Council that it is the city's highly compensated employees that are responsible for Riverdale's fiscal bottom line. He said that he is proud of the excellent bottom line and organizational results that have come about in the last six years while he has served as city administrator. He warned the Council that when staff members in administrative roles are targeted the entire organizational structure and culture of the city workplace is jeopardized to the probable long-term detriment of the city.

Councilor Arnold said the city employee's salaries are a matter of public record and that although he believes the employees do great work he feels strongly that the Council should reevaluate the salaries of the top tier of city employees as a cost-cutting measure.

Councilor Gibby called the vote to question.

Roll Call Vote: Councilor Searle, Aye; Councilor Arnold, Nay, Councilor Gibby, Aye, Councilor Jenkins, Nay, Councilor Hunt, Aye. The motion passed three to two. Councilor Jenkins asked that the record reflect that her "Nay" vote was relevant to the contributions to the employee Health Saving Accounts.

Discretionary Items

Councilor Arnold said he would like to be notified about things happening in the city perhaps through text message when something urgent arises as in the case of the recent flooding. Mayor Burrows said that the department heads are authorized to make decisions in emergency situations on behalf of the city without the Council's permission. He said the Council was brought into the discussion the previous evening to consult on temporarily closing the trail to make the decision official. According to Mayor Burrows, under state statute Chief Illum could only use his emergency power to shut the trail for a limited time period while the Council can shut or open it back up indefinitely. He said these emergency powers are granted so that decisions can be made in circumstances where immediate action is necessary but there may not be time to meet with policy makers until the emergency situation is under control. Councilor Jenkins informed the Council that she had sent a message to Weber Pathways instructing them to check the city's website for updates on the status of the trail.

I. Adjournment:

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Hunt seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:13 p.m.

Approved: May 17, 2011

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder