



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –SEPTEMBER 6, 2011**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **September 6, 2011** at 6:00 PM at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present: Larry Hansen, City Administrator, Steve Brooks, City Attorney,
Dave Hansen, Police Chief, Ember Herrick, City Recorder and 8 members of the public.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all in attendance including all the Council members and staff, he excused Shawn Douglas the Acting Public Works Director and Fire Chief Doug Illum who are both out of town.

B. Pledge of Allegiance

Mayor Burrows led the Pledge of Allegiance after which he read a quote from Abraham Baldwin a signer of the Constitution and member of Congress who said that free governments result in civil order where the common issues of the people are worked out through the democratic process and freedom to choose.

C. Moment of Silence

Mayor Burrow's quote was followed by a moment of silence when he asked everyone to remember those serving in our armed forces.

D. Open Communications

Mayor Burrows invited any member of the public with questions or concerns to address the group at the open microphone.

Riverdale resident G.L. Faust said he was following up on an earlier request to the Council at their August 16th meeting to get permission to drive his ATV on some Riverdale streets so that he can irrigate his crops. According to Mr. Faust, a Riverdale police officer visited with him after that meeting and requested that he look into obtaining a husbandry permit given to farmers allowing them to use ATVs on public roads. According to Mr. Faust, Weber County denied his request because he doesn't own land in the green belt and now he is appealing to the City again to grant him permission. He told the Council that he had spent \$300 to upgrade his ATV to make it street legal and he

believes the upgrades are so cost prohibitive that even if the city does allow these vehicles on city streets, not many people will use the provision. Police Chief Dave Hansen said his department has been working with Mr. Faust to find a solution and the only other option since he doesn't qualify for the husbandry license would be for the Council to pass an ordinance allowing street legal ATVs on Riverdale city streets. According to Chief Hansen, two of the roads Mr. Faust wants to travel on are state roads and the city can't give him permission to drive on those roads but can only grant him permission for Ritter Drive which the city owns.

Mr. Faust said he is already street legal on state highways as long as he doesn't exceed 45 mph; he thanked the Council for their consideration and asked them to make a timely decision on passing an ordinance to allow him access to Ritter Drive. Councilor Arnold asked Mr. Brooks if the state law allowing street legal ATVs on state highways wouldn't also apply to city roads if there is no law prohibiting it in Riverdale's current code. Mr. Brooks said the city would need to allow or prohibit the vehicles. He said that he had drafted an ordinance allowing ATVs and had passed it on to the police for their review but would await direction from the City Council before proposing it on a future agenda.

Dave Leahy with the Veteran's Committee informed that Council that this Sunday will be Patriot Day and the tenth anniversary of 9-11. According to Mr. Leahy flag etiquette recommends that the flag be flown at half mast in remembrance of those who have died and he requested permission from the City to lower the flag on the 11th from sunrise to sunset. He said the Veterans Committee would be happy to take care of this as the day falls on a weekend when city employees won't be working and Mayor Burrows granted the Veterans Committee permission and thanked them for their service.

There were no additional comments.

E. Presentations and Reports

Mayor Burrows thanked the police for recovering the city's stolen Jeep Liberty which was left abandoned at an apartment complex in South Ogden. According to Chief Hansen, the South Ogden Police Department is handling the case because the vehicle was recovered in their jurisdiction. He said the vehicle was impounded because the keys are missing until it can be re-keyed and he added that it sustained no apparent visible damage. Chief Hansen also said that the vehicle had been processed for fingerprints and he is waiting to hear back if CSI found anything.

Mayor Burrows asked if there were any comments or questions on the Community Development or Recorder's Report and there were none.

F. Consent Items

1. Review of meeting minutes from:

- August 16, 2011 City Council Work Session
- August 16, 2011 City Council Regular Session
- August 16, 2011 City Council Executive Session

Mayor Burrows asked if there were any changes to the meeting minutes and Councilor Searle said the speed limit change on Parker Drive should be changed from an increase of 5 mph to 10 mph in the work session minutes and in the regular meeting minutes Ritter Drive should be changed to Parker Drive. Councilor Jenkins asked that the work session minutes reflect that she has only spoke with Henryk Dowliwa about his property line dispute with Kent Mr. Hill. In the regular minutes she wanted the language changed from an uninhabited property with blight concerns for two years in her neighborhood to read "Councilor Jenkins said she is also concerned about the large number of reposed homes in the city and their unkempt yards including one on her street. According to Councilor Jenkins the public works issues have been a problem for about two years and the home has been vacant now for four or five months and on the market for 280 something days." The City Recorder noted the changes.

2. Set a public hearing for September 20, 2011 to declare certain personal property as surplus to the needs of Riverdale City.

Motion: Councilor Hunt moved to approve the consent items with the changes noted by Councilors Searle and Jenkins. Councilor Gibby seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

G. Action Items

1. Consideration of a Resolution 2011-25 adopting an Emergency Water Discharge Agreement with Davis/Weber Canal Co. in exchange for an easement from them.

Mayor Burrows said the Council was being asked to consider an easement with Davis/Weber Canal Company and stated that Mr. Hansen would be presenting on this action item tonight as Riverdale's Acting Public Works Director Shawn Douglas is out of town. Mr. Hansen said this easement will allow the city to pipe an overflow of water from the city's water tank into the Weber Davis canal system in the event of an emergency. He said this easement and agreement was worked out at no cost to the city and will allow any excess water to be diverted without damaging city roads and property. Councilor Searle asked how the excess water would be transported from the tank to the canal and if pipe would need to be installed for this purpose. Mr. Hansen said he believes that there is a piping system already in place and this easement just clears up property line issues and makes the emergency water transference policy official. He said if any piping system needed to be built it would be included in a project proposal to the Council.

Motion: Councilor Searle moved to approve Resolution 2011-25 adopting an Emergency Water Discharge Agreement with Davis/Weber Canal Co. in exchange for an easement from them. Councilor Arnold seconded the motion.

There was no discussion on the motion.

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

2. Discussion of HR Policy – Ambulance Fees.

Mayor Burrows said Councilor Gibby had requested the Council discuss the city's HR policy in relation to ambulance fees. Councilor Gibby read the following statement: "I asked for this opportunity after hearing of the discussion arising from the question posed by Mr. Arnold at the meet the candidate night. I had business out of town, but visited with Councilor Hunt after the meeting. I felt I needed to set the record straight because of what I heard happened at that meeting. Regarding the policy of ambulance usage being free by elected officials that was represented by Mr. Arnold's question, I believe it was misrepresented and therefore I also visited with the Mayor and Mr. Hansen regarding the policy and its genesis.

I have several points that I wish to make, namely: the policy was to be used only to excuse amounts not covered by employee's, elected or appointed officials insurance. I voted for the policy not believing that I would ever use it, rather because it might be a good perk for members of the planning commission that get very little personal benefit from their service to the city. Indeed I had the opportunity to use the policy in December when I broke my leg and tore my ligaments, but chose rather to have my wife drive me to the hospital. I also believed that the policy would have little if any real impact on the city's budget. This has proved to be true.

I felt that the question asked by Mr. Arnold was calculated to throw those of use who supported it under the bus so to speak. I was surprised when I looked into the genesis of the policy that it came to us as a result of a request by councilor Jenkins to excuse billing of a councilmember's family member who used the ambulance in May. I would of thought that everyone present should have had equal footing to know and have disclosed that a councilmember's family member would receive immediate benefit as required by law.

I also feel it in poor taste to use a forum such as a "meet the candidates night" to embarrass a fellow councilman by not allowing him any advanced notice of a question of action that was a year old so that he might be allowed time to prepare an appropriate, complete response.

In reviewing my decision of the ambulance policy I would have still voted to pass that policy, however, to avoid appearance of impropriety I would not have allowed it to have passed in a manner to allow retroactive use of that policy. Dave Gibby"

Mayor Burrows said Mr. Hansen had prepared a timeline in response to Councilor Gibby's request to understand how the ambulance transportation of employees, elected or appointed officials and household family members benefit came about. Mr. Brooks said that chronology had been included in the meeting packet as information for the Council and the public prior to this meeting. Mayor Burrows said that Councilor Jenkins had said that she wanted to make a statement during the work session and she said that she had given a copy of a statement to the Mayor stating that she is disclosing that there could be a potential conflict and she will refrain from voting on this issue by abstaining. Mayor Burrows said he had initialed this written statement from Councilor Jenkins and passed the document on to Mr. Hansen.

Councilor Arnold said his question at the meet the candidates night was stated just as the provision is worded as a benefit to city employees, elected officials and their household family members. He said as the only Councilor who voted against this benefit when it passed last year, he can't bring the issue back for a vote, but added that he had clearly stated why he was voting against the ordinance when it was being discussed and voted on back in August 2010. Councilor Arnold said the question he posed to the candidates was when an entitlement comes before you, how will you vote because he thinks it isn't appropriate for an elected official to take anything above and beyond the average Riverdale resident. Councilor Arnold said his question wasn't designed to "throw anyone under the bus" and stated that he is proud of the way he voted on this issue. He said the genesis of this provision was not what has been stated in the meeting tonight and the meeting minutes from the August 3, 2010 meeting indicate that Riverdale Fire Chief Doug Illum brought this before the Council as a standard benefit that he knew of from Roy City. Councilor Arnold said in the minutes Councilor Jenkins is not mentioned at all and in the chronology reflected in tonight's packet she inquired of the Chief who didn't answer so she asked the City Administrator which Councilor Arnold said is the city's policy. He said her question was a common question anyone would ask of their provider and that it was Chief Illum that proposed this ambulance benefit because Roy City had it. He apologized if he caused any candidates any embarrassment but added that if he was running he would have been able to account for his vote and he challenged the three Council members that voted for the benefit to put it on a future agenda to repeal it.

Councilor Hunt said he recalls the question Councilor Arnold asked at the meet the candidates night being "do you think it is fair that employees or elected or appointed officials get free ambulance service." Councilor Hunt said he didn't respond to the question at the time because he isn't aware of any free service staff or elected and appointed officials receive, he said it may be a discounted service after the insurance company pays their portion but to characterize it as free ambulance service is in his opinion a mischaracterization of the policy. Councilor Hunt said rather than debate the issue that night, he decided to check the facts before responding to the claim. He said now that he has had a chance to review the discussion leading up to the ordinance passed last year he believes Councilor Arnold's characterization of the benefit as a "free service" is not accurate and was designed to inflame the public.

Councilor Searle said he was surprised Councilor Arnold posed the question at the meet the candidates night and misrepresented the benefit to the public by calling it a free ride. He said he was concerned at that meeting that the public wasn't given enough information and it wasn't disclosed that people's insurance would pay for the ambulance transport with the city writing off only any additional amount which he said he believes in most cases would be minimal. Councilor Searle said the meeting minutes from August 3, 2011 reflect that even Councilor Arnold was considering approving the resolution to create an ambulance benefit until his vote was swayed after he read an email from a resident comparing emergency transportation for city staff and officials to a public works employee using a city backhoe to do work in their own yard. Councilor Searle stated that he is retired military and that he and his wife have insurance that would pay for any ambulance transportation so he did not vote in favor of this policy because he intended it to benefit him or any member of his immediate family. He said he voted for the benefit because he thought that it would be good for appointed officials like the members of the Planning Commission that serve the city but don't receive any benefits. Councilor Searle said the "free" reference was his biggest concern when he attended the meet the candidates night because it incited residents by misrepresenting the benefit. He said in hindsight it would probably have been wise to not include elected officials as recipients of this benefit simply to avoid the appearance of impropriety. Councilor Searle said Riverdale City has a provision to allow the ambulance fees for a medical transport to be waived for any resident who has a financial hardship so he doesn't believe any city employee or official is getting a benefit not also available to the general public. According to Councilor Searle he believes the Council should take a second look at this policy in the future but he isn't sure that now is the appropriate time.

Councilor Arnold said he shared the email he received from the citizen against adopting the ambulance policy with all the members of the Council prior to the vote so they all had the same information he did when making their decision. He said if employees and elected and appointed officials don't pay for a service then it is free and it is an entitlement that he believes shouldn't exist. Councilor Arnold claimed that he has had conversations with multiple Council members who said they missed the boat on this ambulance provision after the vote. He said that the question was perfect for meet the candidates night because as a resident he wants to vote for those individuals that won't vote for entitlements. Councilor Arnold said rather than justifying their votes the Council members who voted in favor of the benefit should fix it by repealing it.

Councilor Gibby said Councilor Arnold had stated incorrectly that this action was generated by Riverdale's Fire Chief Doug Illum. He said the packet chronology clearly outlines that the ambulance policy had been researched by Chief Illum in response to a direct request from a Council member who would benefit from a write-off. Councilor Arnold objected to Councilor Gibby's statement claiming that it is hearsay.

Councilor Hunt said his problem with the question at the meet the candidates night was that it was described as a "free" service. He said it is his understanding in the resolution that the proper procedure would be the insurance company and or Medicare and Medicaid would be billed and then if there was a remaining balance the city would write

that off. He said if employees or officials are getting something for free he would have a problem with the perk and would be open to revisiting it. Councilor Hunt said the chronology in the packet indicates that someone got a bill entirely written off and he thinks that issue needs to be addressed. Mayor Burrows said if any of the three Council members who voted for the motion want to put it back on the agenda, one of them would need to make a motion to put it on a subsequent agenda and the quorum would need to be in favor of the motion.

Discretionary Items

Mayor Burrows asked if there were any discretionary items and Councilor Jenkins said she had researched the process of approving the final site approval for Aunt Nancy's and found that it was conditional upon a rezone of the property. She said that the Planning Commission had denied the rezone request and asked if that meant the Council needed to reconsider the final site plan approval without a rezone provision attached. Mayor Burrows asked staff to look into this.

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 6:45 PM.

Approved: September 20, 2011

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder