



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –FEBRUARY 21, 2012**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **February 21, 2012** at 6:05 PM at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Bruce Burrows, Mayor
Don Hunt, Councilor
Norm Searle, Councilor
Alan Arnold, Councilor
Michael Staten, Councilor
Braden Mitchell, Councilor

Excused: Larry Hansen, City Administrator

Others Present: Steve Brooks, City Attorney; Randy Daily, Community Development Director; Dave Hansen, Police Chief; Ember Herrick, City Recorder and eight 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, he excused City Administrator Larry Hansen.

B. Pledge of Allegiance

Councilor Mitchell led the Pledge of Allegiance. Mayor Burrows read a quote from Edmund Burke who championed the 13 colonies in their efforts to free themselves from British rule.

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 Council.

Riverdale Resident Dave Leahy shared an anecdote about two salesmen at his door one evening and complimented the Riverdale police department on their quick response when he called them to investigate the men because he was concerned they were operating without a business license.

Riverdale Resident Shane Furniss said he appreciates the public city workers, fire and police departments for their efforts to serve the city. He said city employees haven't gotten raises for the last two years and this concerns him although the city is able to put money aside annually in a reserve savings fund and pay for the creation of a trail system

and splash pad. Mr. Furniss said these amenities make additional work for city employees and it isn't fair to burden them with more responsibilities without also offering them additional pay. He said he is self employed and rewards his workers for the job they do and he would like the city employees to get pay increases this year. Mr. Furniss said the argument that other cities are not offering their employees cost of living pay increases during the recession shouldn't apply to Riverdale employees because of the tax base provided by Riverdale Road businesses. He said if workers feel unappreciated or under compensated they won't continue working for Riverdale City.

Director of Weber Human Services Kevin Eastman said he was recently the victim of a fraud scheme and when he reported the incident, an officer responded and educated him about the scam. He thanked the police department for their efforts to keep our community safe. Mr. Eastman said the organization Communities That Care (CTC), that Riverdale helped fund last year with a payment of \$2,000, recently had a meeting to discuss the federal grant for funding that they are applying for. He said he was disappointed to see that CTC's most recent funding request wasn't an item being considered by the Council at tonight's meeting. Mayor Burrows said the Council will address CTC's request at their upcoming Strategic Planning meeting in March. Mr. Eastman said CTC will need to hear back from Riverdale City in March.

Riverdale Resident Van Thornock said that he has been a landlord since he was 18 years old and he is in favor of Riverdale's proposed Good Landlord Program. Mr. Thornock said he participates in Clearfield and Ogden's Good Landlord Programs because he owns rental properties in those cities too. He said he is encouraged that Riverdale and Roy are currently considering similar programs because he regularly receives applications from parolees or individuals on the sex offender registry and he believes these individuals bring problems into cities when they are permitted to live in rental properties.

There were no additional comments.

E. Presentations and Reports

Mayor Burrows said he and City Administrator Larry Hansen have met at the Utah State Legislature weekly to lobby on behalf of Riverdale City being able to retain a part of their sales tax revenue that is scheduled to expire in 2016. According to Mayor Burrows, local Representative Brad Dee has been working to get HB 81 modified to allow Riverdale to continue receiving local sales tax revenue through 2030. He said HB 81 has been amended twice but passed in the house last Friday and will now go on for discussion and consideration by the Senate. Mayor Burrows said he is encouraged because Senator Curtis Bramble who was a former opponent and is now the Senate sponsor for the bill and he is optimistic that he will be able to use his influence to help pass this important piece of legislation for the city. Mayor Burrows said he and Mr. Hansen will continue to keep the Council updated about the bill's progress through emails.

Mayor Burrows read a letter from Kristen Durham of the Utah Judicial Council notifying Riverdale City about the recertification of our court for an additional four years.

Mayor Burrows recognized employees with anniversaries in the month of February including Ben Jensen who has five years with the city. Police Lieutenant James Ebert accepted Mr. Jensen's certificate for him as he was not present.

Business Administrator Lynn Fortie gave the Mayor and Council a report on the condition of the treasury for the months ending December 31, 2011 and January 31, 2012. Mr. Fortie said in December there was some additional revenue from business license renewals and property tax increments paid to the City and the RDA. He said the City also received \$20,000 in state liquor funds and the motor pool received \$12,000 in revenue by selling two vehicles at auction. According to Mr. Fortie, the City had water expenditures to Weber Basin in December and in January to Insituform for a sewer liner replacement project. He said in January the City received Class C Road Funds and additional business licensing revenue and the police department had an expenditure purchasing a Polaris vehicle, which Police Chief Dave Hansen says will be reimbursed with grant money.

Lieutenant Ebert said he was asked to report to the Mayor and Council on Riverdale's Crime Free Multi-housing Policy and to look at the feasibility of also adopting a Good Landlord Program. He said other cities' Good Landlord Programs are very similar to Riverdale's Crime Free Multi-housing Program which Riverdale implemented several years ago following Clearfield's lead. He said the additional cost of training landlords, the manpower of the police department in running a Good Landlord Program, and the fire and code enforcement departments performing regular fire and pest inspections, are all funding aspects that will need to be considered by the Council before the program could be implemented in Riverdale. Lieutenant Ebert said other cities have funded their programs by increasing the business licensing fees for business owners with rental properties and offering anyone participating in the program a discount on those fees. He said in order to comply, landlords would need to be trained and then screen their tenants and also put landscaping and lighting in place to discourage crime on their properties. According to Lieutenant Ebert there are also special considerations under Utah state law addressing mobile home parks that the city will need to consider. He said landlords will also need to require their tenants to sign a legal contract making them subject to eviction if they participate in certain behaviors.

Mayor Burrows reminded the Council that last year they had opened up the city's Crime Free Multi-housing Program for all landlords to participate in, even if they have small rental properties. Lieutenant Ebert said in his professional opinion the city's current Crime Free Multi-housing Program is working well for landlords who choose to participate in the program. He said the city would need to offer substantial financial incentive to motivate landlords to participate in a Good Landlord Program.

Councilor Searle asked about landlord training and Lieutenant Ebert said it involves a booklet and an eight hour training course landlords are required to complete hosted by the Utah Apartments Association UAA and designed to educate landlords and their renters about their rights. He said there is liability with a Good Landlord Program and implementing it typically also raises a property owner's insurance rates. According to Lieutenant Ebert because a Good Landlord Program challenges the rights of property rights the city needs to be sure it is on safe legal footing before proceeding and landlords need to be sure they are acting within the law and everything is written and managed correctly.

Councilor Mitchell said he owns a rental property in Clearfield which offers the Good Landlord Program and he said he isn't a supporter of the program. According to Councilor Mitchell, the cost of participating was too high and the reduced business license discount wasn't incentive enough for him to attend the mandatory recertification for eight hours every two years. Councilor Mitchell said he screens his tenants already and when he calculated the cost to benefit ratio he decided to opt-out of participating in Clearfield's Good Landlord program. Lieutenant Ebert said from his research on average most landlords pay \$100 per unit in licensing fees to the city annually and the discounts the city offers them for participating in the program reduces the cost to \$20 per unit. Lieutenant Ebert asked if Councilor Mitchell would feel differently if Riverdale didn't require recertification every two years and allowed property owners that had already completed the training to just report to the police department that the same landlord and manager who have already been trained are still at that location. Councilor Mitchell said he didn't believe the savings were that high in Clearfield and even if they were, as the owner of a single rental saving \$80 in exchange for attending eight hours of training and running all of the different required background and credit checks on a potential tenant were not worth his time.

Lieutenant Ebert said participation in the program would be voluntary but the city would need to incentive landlords to take part to fund the program if it is adopted by the Council. He said there are currently 10 cities in Utah with Good Landlord Programs Riverdale could use to model their program after and if the Council has consensus to move this forward he will work with City Attorney Steve Brooks to get the different aspects of this program ready for implementation by July 1, 2012. Lieutenant Ebert said in the meantime the city has the Crime Free Multi-housing Program already in place.

F. Consent Items

Mayor Burrows asked if there were any changes to the meeting minutes and none were noted.

Community Development Director Randy Daily asked for any questions about the Community Development Projects Status Report and there were none.

There were also no comments or questions on the Recorder's Report.

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

Call the Question: The motion passed unanimously.

G. Action Items

1. Consideration of Ordinance 800 and action on proposed amendment to RCC 10-18-1 Home Occupations Condition "M" Daycare Centers.

Community Development Director Randy Daily said Ordinance 800 will update Riverdale's home daycare/preschool ordinance to allow a provider to care for a maximum of eight children at a time. He said the Planning Commission held a public hearing and two citizens attended, both speaking in favor of this proposed amendment. He said the Planning Commission recommends adoption of this amendment and said if this passes

Riverdale daycares/preschools will allow the same number of children as the current state statute allows. He said based on the work session discussion with the Council he has changed the definition of a child under the age of two to be consistent throughout the ordinance. Councilor Hunt asked why the previous ordinance only allowed six children at a time and Mr. Daily said that was the number the state allowed at that time. Councilor Searle said there is a preschool in his neighborhood and in his opinion the traffic concern expressed by a member of the Planning Commission is not an issue as many children walk and it has never bothered him.

Motion: Councilor Searle moved to approve Ordinance 800 with the language change to read “for children two years of age or younger”. Councilor Mitchell seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

2. Consideration of Ordinance 801 Complete Street Ordinance

Councilor Staten said after reading the department head’s comments on proposed Ordinance 801 to create a Complete Streets policy for the city and based on his discussion with Mr. Brooks during the work session, he now feels a policy may be better advised than passing an ordinance. According to Councilor Staten, Mr. Hansen’s comments that the citizen survey results indicate the majority of Riverdale residents feel no additional bike lanes are necessary could be interpreted differently. He said his reading of the survey suggests that more people are in favor of creating more bike lanes in the city than other proposals like more ball parks. Councilor Staten addressed Mr. Douglas’ concern that the creation of a Complete Streets ordinance will obligate the city to create bike paths where they aren’t needed or wanted by saying that his goal is simply to try and accommodate everyone who wants to use the roads. He said pedestrians have sidewalks, and roads are designed for cars, but cyclists also need to be considered. According to Councilor Staten, Riverdale Road is not ideal for bikes but other streets in the city could have safety measures put in place to protect cyclists. He said a Complete Streets policy wouldn’t just benefit cyclists but also pedestrians like a resident he knows that walks to Wal-Mart daily and must travel on the street part of the way because there are no sidewalks along his route. Mayor Burrows suggested the city look into implementing Complete Streets as a policy and not an ordinance. He said at the upcoming Strategic Planning meeting the Council will have a better idea what funding is available for some of these proposed projects.

Mayor Burrows asked for questions or comments and Councilor Searle said he thinks the creation of an ad hoc committee to help identify streets that would be good for bike lanes and to discuss ideas for how Riverdale can work with Roy and other cities to connect the surrounding area for cyclists would be a good step to moving this plan forward. Councilor Searle said he attended an all day Complete Streets training meeting with Mr. Douglas and Councilor Staten recently where he received some good information about how Riverdale can get started. He said in his opinion the cost won’t be prohibitive with a good long-term plan in place to accomplish Complete Streets in Riverdale. According to Councilor Searle, the majority of the respondents to the city survey are older residents

and so he believes there is probably more interest in bike trails than is reflected in the survey results. Councilor Searle said he believes if the city builds bike trails more people will use them especially with raising gas prices and said he agrees with making Complete Streets a policy instead of passing an ordinance as long as the city is moving forward. Councilor Hunt said he appreciates Councilor Staten's efforts but he stated that he has budget concerns about how Complete Streets will be funded and feels the issue should be studied further and that an ordinance would be premature at this point. There were no additional comments or questions.

No action was taken on Ordinance 801.

Mayor Burrows asked for consensus to allow staff to create a complete street policy proposal that includes the possible creation of an ad hoc committee to be discussed at the Strategic Meeting on March 3, 2012. There was unanimous consensus from the Council to move forward with this proposal.

3. Report and recommendation of Risk Management Committee to City Council of implementing a no parking zone on west side of Parker Drive at and around Riverdale Park.

Mr. Brooks said at the request of the Council the Risk Management Committee evaluated the potential legal liability to the city of individuals parking on the west side of Parker Drive in an area not designated for vehicle parking by the city. He said the Risk Management Committee's unanimous recommendation was that Riverdale City install no parking signs along the west side of the road as designated in red in the drawing included in the packet. Mr. Brooks said several questions had come up in the work session about how to accommodate additional parking needs during large city-wide events. He said the Risk Management Committee had not discussed possible solutions to recommend to the Council because they had only been asked for a safety recommendation for parking on the west side of Parker Drive. Mr. Brooks said he isn't comfortable with the suggestion made in the work session that the city simply cover the no parking signs for city events unless there is a reduction in speed or additional safety measure put in place to mitigate the safety hazard of allowing parking in this area on certain dates.

Councilor Staten said he respects the no parking recommendation of the Risk Management Committee and would like their advice on how to deal with parking for large events before the Council takes action. Mayor Burrows said the Council can ask for additional direction from the committee for large events but in the meantime can direct staff to create a no parking area on the west side of Parker Drive if there is consensus to make this change. Councilor Hunt said there is no rush to make a decision by the Council tonight as it is only February and parking congestion at Riverdale Park is typically a problem only in the warmer months. He said he would also like to get additional recommendations from the Risk Management Committee about how the city's parking needs can be balanced with prudent safety measures during big events. Councilor Mitchell said he would also like the city to have a plan in place about how to address parking in this area during large events but he said in his opinion now is the time to put up the signs so that the community will have time to get accustomed to them. He said he likes the idea of a 20 mph flashing sign to slow traffic in the area and covering the no parking signs with bags for big events.

Councilor Searle said he agrees with Councilor Mitchell that the no parking signs should be put up now because the west side of Parker Drive isn't designed for parking and the Council can address how to deal with parking for large events at a later date. Councilor Hunt asked Mr. Brooks to explain why he has concerns with the city putting bags over the no parking signs for big events and Mr. Brooks said safety concerns will be heightened on event days so it doesn't make sense to do away with safety precautions put in place to protect residents. Mr. Douglas said once the city puts up signs there are state and federal regulations that the city must obey in relation to those signs. He said he would need to investigate the code to see if legally the city can put bags over safety signs once they have been installed.

Councilor Arnold said he agrees with no parking restrictions across from the fire department because there are genuine safety issues the city must consider with fire trucks pulling out at all hours of the day to respond to emergency situations. According to Mr. Arnold, this item is being discussed based on a concern expressed by one citizen recently on a social networking site. He said in his opinion people need to take responsibility for where they park and parents need to watch their kids and it isn't the proper role of city government to regulate where people park throughout the city. Mr. Arnold said residents will be upset if the Council prohibits parking in this area, especially for the 4th of July events and he said the Council should consider possible backlash from ticketed drivers if the city were to set up a speed trap with reduced speeds in the area for large events. He said he is hesitant to create additional liability for the city through a no parking zone on the west side of Parker Drive. Councilor Searle said based on these comments and concerns he would like additional recommendations from the Risk Management Committee about how to handle large events. Mayor Burrows said he believes there will be sufficient parking if people who use Riverdale Park use the parking stalls at Riverdale Elementary and the Community Center and he recommended the Council follow the advice of the Risk Management committee by creating a no parking zone on the west side of Parker Drive.

Commissioner Staten said he sees cars parked on the west side of Parker Drive on most hot summer days as families visit the park and use the splash pad all summer. He said that the road isn't designed for parking and stated that in his opinion it is a serious safety concern and is the proper role of government to put safety measures in place. Councilor Staten said the state requires children to wear seat belts instead of leaving the decision of whether or not to buckle them up to the parents and he said in his opinion the Council should follow the recommendation of the Risk Management Committee by creating a no parking zone on the West side of Parker Drive.

Motion:

Councilor Staten moved to instruct staff to install no parking signs on the West side of Parker Drive for the section indicated in red on the map included in the packet. Councilor Mitchell seconded the motion but asked to amend it with a provision to allow the Public Works and Police Departments the authority to evaluate parking needs for large community events to possibly allow parking on the west side with reduced speeds put in place. Councilor Staten agreed to the proposed amendment to his motion.

Mayor Burrows asked for discussion on the motion and Councilor Searle said he felt the Risk Management Committee made a sound recommendation and he would like their advice on how to handle parking in this area for large events. Councilor Hunt asked Chief Hansen for a history of accidents in this area and Chief Hansen said he isn't aware of any public safety or personal injury incidents. He said the Risk Management Committee evaluated this at the Council's request, not in connection with an accident or safety incident in the past at this location. Chief Hansen told the Council to be prepared for some pushback if people are cited in this area for parking in the zone once the no parking signs are installed. He said that his department will slow the speed limit down for large events and enforce the reduced speeds if there is consensus from the Council. Lieutenant Ebert said the Public Works Department will need to give the police direction about applying traffic calming measures for large events and Mr. Douglas said there are national standards the city will need to comply with. Mr. Douglas told the Council that covering up no parking signs for big events could open the city up to additional liability in the event someone is injured while the signs are covered. He asked if the city could instead consider closing the road to through traffic and only allowing parking in this area on event days to create additional places for people to safely park. Mayor Burrows said it would be difficult to close the road.

Point of order: Following discussion on the motion, Councilor Staten moved to withdraw his previous motion and Mr. Brooks advised the Council that they need to vote on the motion to kill it.

Call the Question: The motion failed unanimously.

Councilor Staten asked what temporary measures could be put in place to allow parking on event days. Councilor Searle said the traffic associated with the splash pad seems to decrease annually and Mayor Burrows said that is because other cities are building splash pads.

Motion: Councilor Arnold moved to table this action item until the City Council can get additional information about state sign guidelines from the Public Works Department to determine if it is legal for the city to modify posted signs and the speed limit in an area of the city to accommodate parking and address safety concerns for residents during large events. Councilor Hunt seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

4. Consideration of release of retained funds to Ormond Construction.

Mr. Douglas said his department in consultation with Mr. Brooks would like the ability to release the retained amount from Pay Request 4 to Ormond Construction once they have completed the items on the punch list still in need of repair.

Motion: Councilor Arnold moved to make the funds available to satisfy Pay Request 4 to Ormond Construction in the amount of \$9,629.15 as soon as the contractor has completed the punch list items to the satisfaction of Public Works Director Shawn Douglas and the

payment has the legal approval of City Attorney Steve Brooks. Councilor Searle seconded the motion.

There was no discussion on the motion.

Roll Call Vote: Councilor Staten, aye; Councilor Hunt, aye; Councilor Searle, aye; Councilor Arnold, aye; and Councilor Mitchell, aye. The motion passed unanimously.

H. Discretionary Items

Mayor Burrows asked if there were any discretionary items and Councilor Mitchell said he is concerned about a bill currently being discussed by the legislature to convert Utah signs to electronic billboards. He said he would like Riverdale City to retain the ability to control and regulate the signs within the city's boundaries. Mayor Burrows said the Utah League of Cities and Towns has voted unanimously to oppose any proposed bills to give sign owners the right to determine if their billboards are electronic instead of requiring them to get permits from the city where they do business. According to Mayor Burrows, sign companies want the ability to change their electronic billboards every eight seconds so they can have more revenue without absorbing any of the problems this could create such as distracting drivers. He said as Chairman of WACOG he recently wrote a letter of opposition to this proposed legislation. Councilor Arnold asked if the city could benefit from the sales tax generated by these electronic signs and Mayor Burrows said most cities receive a licensing fee based on the number of billboards a company has in that area, not the number of clients that advertise with the billboard company. Mr. Daily said this service is not a tangible item the city could tax. There were no additional discretionary items mentioned.

I. Adjournment:

With no further business to come before the Council at this time, Councilor Hunt moved to adjourn the meeting. Councilor Arnold seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:35 PM.

Approved: March 20, 2012

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder