



Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **June 19, 2012** at 6:05 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present:        Larry Hansen, City Administrator, Steve Brooks, City Attorney,  
                              Lynn Fortie, Business Administrator, Shawn Douglas, Public  
                              Works Director, Dave Hansen, Police Chief, Ember Herrick, City  
                              Recorder and 12 citizens including Courtney J. Dayton, Bren  
                              Edwards, Jordan Little, James Glascock, Tony Divino, Matt  
                              Hennessey and Curtis Leishman.

**A. Welcome & Roll Call**

Mayor Burrows called the meeting to order and welcomed all in attendance.

**B. Pledge of Allegiance**

Councilor Mitchell led the Pledge of Allegiance after which Mayor Burrows read a quote from William Bradford about the pilgrims' gratitude after crossing the Atlantic Ocean safely to arrive on the American continent.

**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**

Riverdale Resident Courtney Dayton said he recently submitted a letter to the editor published in the Standard Examiner where he was critical of Riverdale City including Mayor Burrows and City Administrator Larry Hansen. He said that he had once worked as an inspector and proceeded to read a list of his work experience and qualifications.

Bonneville High School student Jordan Little said she is the President of her school's DECA marketing club and informed the Council that the organization is raising money for a young man who needs a double lung transplant. Ms. Little said she would like to get Riverdale involved and asked for permission to hand out fliers educating the community about their fundraising efforts for this transplant candidate at Riverdale's upcoming Old Glory Days celebration. She asked if the city would also be willing to put a notice about future fundraising efforts for this cause in their city newsletter. Mayor Burrows asked Ms. Little to follow up with Jeannette Hall at the Riverdale Community Center about the flyers on Old Glory Days and Mr. Hansen said the city would evaluate

any future fundraising information submitted to see if it meets the requirements for noticing in the city newsletter.

There were no additional comments.

#### **E. Presentations and Reports**

Mayor Burrows said Roy City is honoring their military veterans as part of their 75 year Diamond Jubilee with an event on July 12, 2012 at 7 p.m. which the Council is invited to attend. He said Riverdale's substance abuse court graduation is that same night at 6 p.m. and he encouraged the Council to attend both events. Mayor Burrows said the state has called a special session to discuss liquor licensing issues in Utah before new rules go into effect on the first of July. He said dry conditions throughout the city require a moratorium on fireworks in Riverdale east of 650 West with county-wide fireworks restrictions along the Weber River.

Police Chief Dave Hansen said Justin Kelley was recently hired to replace Officer Heather West who is leaving. He said Mr. Kelley came highly recommended by other police agencies and passed a background check. Chief Hansen said Officer Kelley comes from six years with the Weber County Sheriff's Department and has worked as a member of their SWAT team and as a detective for that organization. Chief Hansen recognized Officer Kelley's wife and mother who were in attendance to support him in his new position with Riverdale City.

The City Recorder swore in Officer Kelley.

Officer Kelley thanked Chief Hansen and the Mayor and Council for this job opportunity and said that Riverdale has a great reputation as a good organization to work for and he said he was thrilled to accept the job offer. He said he grew up in California and moved to Utah approximately 20 years ago, started working for Weber County six years ago and most recently worked in investigations for 14 months. Officer Kelley thanked his wife and mother for their support.

City Administrator Larry Hansen and Mayor Burrows recognized Building Inspector Jeff Woody who has 20 years with the city this June. Community Development Director Randy Daily said Mr. Woody is certified and licensed in building, mechanical, plumbing electrical, and fire inspections for residential and commercial buildings. He complimented Mr. Woody on his certification and knowledge stating that they are valuable assets for Riverdale City and that he appreciates the contributions he makes to the Community Development Department and the city.

Mr. Hansen said the city is currently operating with 55 full-time employees, 45 part-time employees and two seasonal workers.

Business Administrator Lynn Fortie said the May Treasury Report shows Class C road funds and RDA funds from the Riverdale Road and Unity projects and a payment for the

Riverdale Senior Center. He said the city also made a payment to Central Weber Sewer and under the IT budget made a payment for two new servers and firewall equipment.

**F. Consent Items**

Mayor Burrows asked if there were any corrections or amendments to the June 5, 2012 meeting minutes and none were noted.

Mayor Burrows asked if anyone had any questions about the Community Development Report or Recorders Report and there were none.

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

**Call the Question:** The motion passed unanimously.

**G. Action Items**

**1. Consideration of Resolution 2012-15 a site plan amendment for completion of Phase 3 of the Tony Divino Toyota/Scion Auto Dealership located at 777 West Riverdale Road in a C-3 Zone**

Mr. Daily said Tony Divino and his architect James Glascock are here tonight to answer any questions the Council may have about the proposed phase three of the Toyota/Scion Dealership. Mr. Daily said the Council has the plans in their packet along with the recommendation of the Planning Commission to approve this proposal and he referred any specific questions to Mr. Divino or Mr. Glascock. Councilor Hunt asked about landscaping requirements and Mr. Daily said even with a recent UDOT road widening project that took away property from the dealership, they still meet the 20 percent landscaping requirements and have built a sidewalk for the public to use on their property.

**Motion:** Councilor Arnold moved to approve Resolution 2012-15 a site plan amendment for completion of Phase 3 of the Tony Divino Toyota/Scion Auto Dealership located at 777 West Riverdale Road in a C-3 Zone. Councilor Staten seconded the motion.

Councilor Searle thanked Mr. Divino for the business he brings to Riverdale and his efforts to remodel and upgrade his dealership. There was no additional discussion on the motion.

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

**2. Consideration of Ordinance 808 amending RCC 10-10A-3 Commercial Zones (C-1, C-2, C-3) Special Regulations**

Mr. Daily said he had tried to answer the Council's concerns about the proposed changes to RCC 10-10A-3 received during the comment and review period in his comments which were included in the packet. According to Mr. Daily, other Utah cities are putting restrictions on the numbers of certain types of businesses in their cities that require additional police or city oversight. Councilor Mitchell asked what the city is trying to accomplish and Mr. Daily said one of the city's roles is to regulate businesses. He said zoning restrictions dictate which businesses can operate in different areas of the city and he said this latest ordinance would put limits on the numbers of check cashing, gold buying, title loan, pawn shop and smoke shops that can operate in Riverdale at one time.

Councilor Searle said under the current ordinance retail smoke shops are only allowed in C-3 zones as a conditional use and he expressed concern that only allowing one in the city could create a monopoly by not allowing competition. Councilor Staten said he isn't concerned about only allowing one smoke shop because Riverdale is surrounded by so many neighboring business communities that he is confident that competition will still exist. Councilor Searle asked about changing the word "smoking" to "tobacco" to address concerns in the past that paraphernalia being sold in these stores is more commonly used to consume drugs like Spice not tobacco.

Chief Hansen said every time the state legislature tries to draft new drug legislation the drug producers just modify the ingredients of Spice to work around the law.

Councilor Staten asked for clarification of Mr. Hansen's comments on the executive summary and Mr. Hansen said in his opinion the free market should not be allowed to determine the number of these businesses in Riverdale. Mr. Hansen said they are popping up in strip malls all around the city and he asked the Council to consider the impact they could be having on the city as a retail hub. He said some anchor stores bring in revenue for the city while others cost the city money by requiring more police patrols and investigations into the traffic of controlled substances and stolen materials. Mr. Hansen said loan and pawn businesses are used by a section of the population but are also regulated by the state of Utah differently. He said the Council was confident in stymieing a proposal from a reputable developer to build apartments on a vacant parcel of land last year because the majority felt strongly that the community did not need additional rental housing. According to Mr. Hansen, his comments on the executive summary were to encourage the Council to be consistent and do what they feel is in the city's best interest not just residentially but commercially too. Councilor Staten said the Council didn't let the market determine if additional apartments were appropriate last year and he thinks putting restrictions on certain types of businesses is appropriate, especially if surrounding cities have limits so that they won't all relocate to Riverdale with its open door policy.

Councilor Mitchell said generally he agrees the free market should be allowed to self regulate but he said when he is in other cities with these types of businesses on every corner he can see how other businesses could be impacted. Councilor Mitchell said he has discussed this issue with some Riverdale residents and they have expressed to him that they would like to see restrictions in place, so as their representative he is now comfortable voting in favor of these proposed new restrictions. He asked what will

happen to the businesses already operating with Riverdale licenses after these restrictions take effect and Mr. Daily said existing businesses will be grandfathered but as one goes out of business a new one will not be allowed to take its place if the city's quota is filled.

Councilor Hunt said he can see the wisdom in regulation but worries that the city is regulating one type of business but not another in an arbitrary fashion. He said he knows individuals that use payday loan stores and recognizes there is a need for these types of businesses and their services. Councilor Hunt said his concern over the proposed apartment complex last year was how it would age over time and he said while the Council wasn't encouraging to the developer they also did not vote to prohibit the development. Councilor Staten said the Council told the developer they didn't like their apartment proposal and Councilor Hunt said in his opinion the Council just told the developer there would be a lot of hoops to jump through. Councilor Arnold said he objected to the proposed townhomes on 1500 West because he doesn't want additional traffic on Ritter Drive and stress on the sewer system. Mr. Hansen said his comments were referring to the apartment development on River Park Drive not the townhomes on 1500 West.

Councilor Searle said he had read the summary minutes from the Planning Commission's discussion on this issue and thought that Commissioner Stevens and his argument in favor of the free market had merit as well as Commissioner Hilton's regulation argument. He said in his opinion Mr. Daily's proposal is a good compromise allowing some of these businesses but not so many that they discourage other commercial development. Councilor Searle said he hopes state law will improve so that local law enforcement can better regulate smoke shops.

Councilor Arnold said he is concerned that there will be multiples of one type of business regulated in the ordinance and none of another and Mr. Hansen pointed out that the ordinance allows for two of each of businesses except only one smoke shop. Mr. Daily said only payday and check cashing businesses are considered the same under the current ordinance. According to Mr. Daily, Wal-Mart and convenience stores that sell tobacco products aren't considered specialty stores under the state's definition so they won't be subject to these restrictions.

**Motion:** Councilor Arnold moved to approve Ordinance 808 amending RCC 10-10A-3 Commercial Zones (C-1, C-2, C-3) Special Regulations. Councilor Searle seconded the motion.

There was no discussion on the motion.

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

### **3. Consideration of Advertising for construction bids for the Police Department Building Basement Project**

Lieutenant Ebert said the RFP for the police basement was included in the packet and now that the architect has finished his rendering the project is ready to go to bid. He asked the Council for comments or questions and there were none.

**Motion:** Councilor Arnold moved to approve RFP to advertise for construction bids for the Police Department Building Basement Project. Councilor Mitchell seconded the motion.

There was no discussion on the motion.

**Call the Question:** The motion passed unanimously.

4. **Consideration of Resolution 2012-10 approving amendments to RCC 1-12 1 through 13 The Consolidated Fee Schedule**
  1. **Sewer rates**
  2. **Non-resident recreation fees**
  3. **Fire Inspection fee waiver for 501-C-3 non-profits**
  4. **Commercial/non-commercial site plan review fees**

Mr. Fortie said he had researched the answer to a Council question from the previous meeting and rates had not increased on the fee schedule but there was a meter size missing from the chart that had been added simply as a housekeeping item. He asked the Council for comments or questions and there were none.

**Motion:** Councilor Searle moved to approve Resolution 2012-10 adopting amendments to RCC 1-12 1 through 13 The Consolidated Fee Schedule for Sewer rates, Non-resident recreation fees, Fire Inspection fee waiver for 501-C-3 non-profits, and Commercial/non-commercial site plan review fees. Councilor Arnold seconded the motion.

There was no discussion on the motion.

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

5. **Consideration of Resolution 2012-11 amending the FY 2011-2012 budget**

Mr. Fortie said there are no changes to the budget since the public hearing. He asked the Council for comments or questions and there were none.

**Motion:** Councilor Arnold moved to approve Resolution 2012-11 amending the FY 2011-2012 budget. Councilor Searle seconded the motion.

There was no discussion on the motion.

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

**6. Consideration of Ordinance 805 adopting amendments to RCC 1-7-1 Human Resource Manual, RCC 1-7-2 Salaries and Expenses, and 1-7F-6 Justice Court Judge**

Mr. Fortie said there are no changes to Ordinance 805 since the public hearing. He asked the Council for comments or questions and there were none.

**Motion:** Councilor Arnold moved to approve Ordinance 805 adopting amendments to RCC 1-7-1 Human Resource Manual, RCC 1-7-2 Salaries and Expenses, and 1-7F-6 Justice Court Judge. Councilor Mitchell 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; Councilor Mitchell, Aye. The motion passed unanimously.

**7. Consideration of Resolution 2012-14 adopting a Certified Tax Rate of .001365.**

Mr. Fortie said the county's certified tax rate that the city is proposing adopting is .001365. Councilor Mitchell said Riverdale City will receive the same percentage of property tax as the previous fiscal year under this new certified tax rate and Mr. Fortie confirmed any increases will be assessed by the county not the city. He asked the Council for any additional comments or questions and there were none.

**Motion:** Councilor Arnold moved to adopt a Certified Tax Rate of .001365. Councilor Searle seconded the motion.

There was no discussion on the motion.

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

**8. Consideration of Resolution 2012-12 adopting amendments to the tentative budget for 2012-2013**

Mr. Fortie said the Public Works budget has been amended because of a good carry over of Class C road funds which the city would like to use on road projects in the next fiscal year. He said there is also a change for the storm water fund and he has incorporated in the new certified tax rate in calculating estimated property tax revenues. Mr. Hansen asked the Council to also ratify amendment seven to the 2012-13 budget since it was added since the Strategic Planning budget meeting in May. He asked the Council for any comments or questions and there were none.

**Motion:** Councilor Arnold moved to approve Resolution 2012-12 adopting amendments to the tentative budget for 2012-2013 as outlined. Councilor Searle seconded the motion.

There was no discussion on the motion.

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

**9. Consideration of Resolution 2012-13 adopting the tentative budget for FY 2012-2013 as the final budget as amended**

Mr. Fortie reviewed the amendments added to the proposed 2012-13 budget and Councilor Staten asked about the water tanks discussed at the Strategic Planning meeting. Mr. Hansen said the Council will have an opportunity to review water tank proposals as soon as the Public Works Department has gathered the cost information and made the cost comparison calculations and is ready to proceed. He asked the Council for any additional comments or questions and there were none.

**Motion:** Councilor Arnold moved to approve Resolution 2012-13 adopting the tentative budget for FY 2012-2013 as the final budget as amended including the certified tax rate. Councilor Hunt seconded the motion.

There was no discussion on the motion.

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

**10. Consideration of Resolution 2012-16 adopting a special one-time incentive consideration for FY 2011-2012**

Mr. Hansen said Riverdale City recently received a \$50,000 rebate from PEHP for insurance premiums. He said several other Utah cities that also received rebates are redistributing the money back to their employees. Mr. Hansen proposed that all employees, excluding him, receive a one time bonus of 1.5 percent of their annual salary for full-time employees and one percent for part-time employees as a reward for helping to implement the 2005 Action Plan to overcome budget shortfalls and bridge the sales tax revenue loss created by the state legislature. Councilor Arnold said each employee pays the same in premium so he would like to see the rebate redistributed back to employees equally instead of based on their salaries.

Councilor Searle asked about the possibility of using the rebate to help offset future insurance premium increases. Councilor Arnold said he is leaning towards supporting a one-time payout because if rates go up more than \$50,000 next year the Council will have to fund the insurance rate increase some other way. Councilors Hunt and Searle asked if the length of employment would factor into the refund and Mr. Hansen said these suggestions are good, but would be hard to make fair and calculate as employees are constantly leaving and being hired in the city. He said the feedback he is hearing suggests the majority of Riverdale City staff feel good about the direction the city is heading in having survived the city's most significant financial challenge to date. Mr. Hansen said he wants people to come and work in Riverdale because of the culture not just the compensation and benefits package and it is his job to nurture the organization and get morale up while protecting the city from financial problems. According to Mr. Hansen, with the passage of HB 81 earlier this year the city is protected from sales tax revenue loss through 2030 and this one-time incentive will help recognize the group's sacrifices in recent years to make this possible.

Councilor Staten said he thinks Riverdale has a great staff which is the city's most valuable asset, is a well run city and has been fiscally responsible during tough economic times so he supports this incentive as a reward for employees. Mr. Hansen said 90% of survey respondents say Riverdale employees deliver good or excellent service and he asked if the Council would support Councilor Arnold's suggestion to pay all 55 full-time employees the same amount of \$600 and the 45 part-time employees \$300 in a one-time payment incentive. Councilor Arnold said he would support this distribution of the PEHP rebate to "Team Riverdale" and Councilor Mitchell said he will support this incentive because he and his family benefit from the efforts of Riverdale City employees and it would be tough to commit the city to absorbing a future health insurance rate increase without knowing what that amount will be. There was no additional discussion on the motion.

**Motion:** Councilor Searle moved to approve Resolution 2012-16 adopting a special one-time incentive consideration for FY 2011-2012 of \$600 to all full-time and \$300 to all part-time employees. Councilor Hunt seconded the motion.

Councilor Staten stated for the record that this incentive will not be paid to Mr. Hansen or the Council or Planning Commission members. There was a brief discussion about

including Mr. Hansen in the one-time incentive, he thanked the Council for the gesture but declined to accept it. There was no additional discussion on the motion.

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

**H. Discretionary Items**

None.

**I. Adjournment:**

With no further business to come before the Council at this time, Councilor Arnold moved to adjourn the meeting. Councilor Mitchell seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:33 p.m.

Approved: July 3, 2012

Attest:

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Bruce Burrows, Mayor

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Ember Herrick, City Recorder