



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –MAY 21, 2013**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **May 21, 2013** at 6:02 PM at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present: Larry Hansen, City Administrator; Steve Brooks, City Attorney;
 Dave Hansen, Police Chief; Roger Bodily, Fire Chief; Shawn
 Douglas, Public Works Director, Michael Eggett, Community
 Development Director; Ember Herrick, City Recorder and
 members of the public including Hayden Rizzi, Payton Seavy,
 Hayden Woodard, Travis Woodard and David Leahy.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all in attendance including all Council members, staff and members of Boy Scout Troop 266 including Patrol Leader Hayden Rizzi, Payton Seavy, Hayden Woodard and their Troop Leader Travis Woodward.

B. Pledge of Allegiance

Councilor Mitchell led the Pledge of Allegiance.

C. Moment of Silence

Mayor Burrows called for a moment of silence when he asked everyone to remember our U.S. military service members.

D. Open Communications

Mayor Burrows invited any member of the public with questions or concerns to address the Council.

Riverdale resident David Leahy said veteran memorial tiles ordered during the winter have been permanently mounted and grouted in time for the Memorial Day Ceremony on Monday, May 27, 2013. He thanked city staff Chris Stone, Norm Farrell and Wes Kay for assisting with the installation and grout work and said the Veteran's Advisory Group gave staff a 65 page photo book demonstrating the tile mounting process now that staff will oversee maintenance of the memorial. Mr. Leahy said Monday's Memorial Day Ceremony is being overseen by the city and will include a flag raising ceremony by the Boy Scouts, a speech by Mayor Burrows and the placing of a wreath on the memorial. Councilor Searle thanked Mr. Leahy and Charles Kerkvliet for their attention to detail

during the years they served on the Veteran's Committee helping to oversee and maintain Riverdale's Veteran's Memorial which he said will be a valuable legacy for the city.

E. Presentations and Reports

Mayor Burrows invited the public to attend Riverdale's Memorial Day Ceremony scheduled for 9 a.m. Monday May 27, 2013. He said the Council, staff and the public are also invited to a UDOT Federal Transportation Projects meeting from 2 p.m. to 4 p.m. in the Weber County Commission Chambers. Mayor Burrows read a letter of appreciation from Kim Wixon of the George E. Wahlen Veterans' Home to the Riverdale City Band for performing at the center's Ogden dedication. Mayor Burrows thanked the band for the positive way they represent Riverdale City.

City Administrator Larry Hansen said the April Treasury Report shows the purchase of new radios for police and fire and the annual increment payments the city is obligated to make to developers of RDA Project Areas. He said the Community Development Projects Status Report indicates that construction is progressing steadily on the new In-N-Out Burger restaurant scheduled to open by Labor Day. Mr. Hansen said Subway will open a second location in the city in the space previously occupied by Quiznos and there will be a new Intermountain Health Care billing office in the Brook Haven development.

Mr. Hansen recognized staff whose anniversaries fall in the month of May including Bonnie Jones who has 15 years with Riverdale City, thanking them for their service. Mr. Hansen said the city continues to operate in accordance with staffing authorization with 57 full and 48 part-time employees. He said Community Development Director Randy Daily will retire at the end of June and there are currently two seasonal job openings for part-time public works positions.

There were no items on the Recorder's Report.

City Attorney Steve Brooks explained his annual summary of legislative changes and encouraged each department to review the document and any changes to the law that may impact how they do their jobs.

F. Consent Items

Mayor Burrows asked if there were any changes to the May 7, 2013 Council meeting minutes and none were noted. He said staff is requesting that a public hearing be set for June 18, 2013 to adopt a Certified Tax Rate, as required by state law.

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

Mayor Burrows asked for discussion on the motion and there was none.

Call the Question: The motion passed unanimously.

G. Action Items

1. Consideration of Resolution 2013-18 adopting a new interlocal agreement for Communities That Care (CTC)

Mayor Burrows said the first action item is consideration of Resolution 2013-18 adopting a new interlocal agreement for Communities That Care (CTC). He said Weber Human

Services will now be overseeing this process and Mr. Brooks said he reviewed the new interlocal and has no concerns with the Council adopting it through Resolution 2013-18.

Motion: Councilor Searle moved to approve Resolution 2013-18 adopting a new interlocal agreement for Communities That Care (CTC). Councilor Arnold seconded the motion.

Mayor Burrows asked for discussion on the motion and Councilor Mitchell asked if this agreement is with CTC or Weber Human Services and Mayor Burrows said CTC. Councilor Searle said to date CTC has been overseen by Washington Terrace but it will be under Weber Human Services in the future if the Council adopts this interlocal.

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

2. Consideration of Conditional Use Permit Application for Hokulia Shave Ice

Mayor Burrows said the second action item is consideration of a conditional use permit application submitted by the owners of a Hokulia Shave Ice franchise that wants to open a temporary business from June through August in Riverdale. Community Development Director Michael Eggett said the temporary business would be located on DDR property east of the Applebee's Restaurant in a C-3 Zone. He said the temporary structure must be immobilized and the bottom of the trailer screened as required by Riverdale City code and he said the owner has submitted a written agreement with Best Buy for Hokulia staff to use that business' restrooms. Mr. Eggett said the Planning Commission forwarded the permit with a unanimous favorable recommendation to Council and staff also recommends approval as all required statutes have been met. Councilor Searle said he needs to disclose that his son works for Farr Better Ice Cream Co. and will be delivering product to this proposed new business and therefore will benefit financially if this permit is granted. Councilor Searle said he personally will not directly benefit monetarily from this Council decision and City Attorney Steve Brooks advised him during the Council work session that he can vote on this request because there is no conflict of interest. Councilor Mitchell asked if the business license fee is refundable if the Council was to deny this request and the City Recorder said it is not. Mr. Hansen asked the City Recorder to verify that the sales tax is coded to Riverdale City.

Motion: Councilor Arnold moved to approve the Conditional Use Permit Application for Hokulia Shave Ice. Councilor Mitchell seconded the motion.

Mayor Burrows asked for discussion on the motion and there was none.

Call the Question: The motion passed unanimously.

3. Consideration of Change Order No. 1 for \$7,627.62 for Riverdale Lighting Retrofit Project

Mayor Burrows said the third action item is consideration of a change order associated with Riverdale's Lighting Retrofit Project. Public Works Director Shawn Douglas said

when Rocky Mountain Power did their initial audit of Riverdale City buildings they didn't evaluate the basement of the Civic Center. Mr. Douglas said the change order reflects the additional cost of retrofitting the lights in the Civic Center's basement and a few additional modifications that were necessary throughout other city buildings.

Councilor Mitchell asked if the new total cost for the project is still below the amount the city budgeted for the project and Mr. Douglas said that it is. Mr. Douglas said the city will receive a rebate for 10 to 15 percent of the total project cost and is already beginning to notice lower monthly power bills. Councilor Hunt asked why the Council is being asked to approve this expense after the work has already been completed and Mr. Douglas said because the amount was below the \$25,000 threshold and did not exceed the budget for the project it was not necessary to get Council approval prior to the work being done. Mr. Hansen said now Mr. Douglas has received a final bill from Knight Electric and the amount exceeds the \$70,089.00 amount the Council approved for the project on January 15, 2013, they are being asked to approve the new total including the change order for the work Mr. Douglas explained.

Motion: Councilor Arnold moved to approve Change Order No. 1 for \$7,000 for Riverdale Lighting Retrofit Project. Councilor Hunt seconded the motion.

Mayor Burrows asked for discussion on the motion and there was none.

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

Mr. Douglas said the amount should be \$7,627.62 because the city has already made a partial payment to Knight Electric and there was discussion between Mr. Douglas and Mr. Hansen about the bill from Knight Electric.

Motion: Councilor Arnold moved to amend his previous motion to approve Change Order No. 1 for a new amount not to exceed \$9,097.02 for Riverdale Lighting Retrofit Project. Councilor Hunt seconded the amended motion.

Mayor Burrows asked for discussion on the motion and there was none.

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

4. Consideration of Resolution 2013-17 approving an interlocal agreement between Riverdale City and South Ogden City relating to Animal Shelter Services

Mayor Burrows said the fourth action item is consideration of Resolution 2013-17 approving an interlocal agreement between Riverdale City and South Ogden City relating to Animal Shelter Services. He said Council discussed this item during their Strategic Planning meeting last Saturday and during tonight's work session and there was Council consensus to remove this item from tonight's agenda to allow staff additional time to try and negotiate a lower price with South Ogden City for animal shelter services.

No Council action was taken on this agenda item.

H. Discretionary Items

Mayor Burrows asked if there were any discretionary items and Mr. Hansen said he had an update for the Council about multiple nuisance complaints regarding unregistered vehicles at an address on Parker Drive. He said Riverdale's Code Enforcement Officer is sending a notice to the property owner explaining that vehicles outside of a garage in Riverdale are required to have current registrations. Councilor Searle said there is another property on Parker Drive with a camp trailer up on blocks of concrete which he said may comply with the letter of the law but is not what the Council intended when passed the nuisance ordinance requiring all vehicles to be parked on a hard surface. He said he has noticed several property owners on Parker Drive parking their vehicles on dirt or weeds and he said when he campaigned four years ago the most common complaint he heard from residents was about unkempt properties. Councilor Searle thanked staff for addressing concerns when neighbors file nuisance complaints and he said in many areas of the city neighborhoods are improving. Councilor Searle said he regularly hears complaints from residents who don't want to file complaints about their neighbors and in his opinion Riverdale's Code Enforcement Officer should be more proactive about identifying and citing nuisance properties. According to Councilor Searle, living adjacent to nuisance properties decreases property values of adjacent homes and affects a property owner's ability to sell his/her home.

Mayor Burrows said Riverdale City investigates all complaints and if a violation is identified the matter is handled in accordance with city policy through the civil court system. Mr. Hansen said Riverdale's monthly Code Enforcement Report included in the packet reflects action taken against nuisance complaints from other residents and code violations independently identified by staff. He said agricultural areas have more leniency than residential zones and the city works hard to create a balance between code enforcement and respecting personal property rights. Mr. Hansen reminded the Council that staff cannot trespass into people's backyards without a judge first determining there is probable cause to issue a search warrant. He said if there is Council consensus for staff to be more heavy handed about code enforcement then he will direct Riverdale's Code Enforcement Officer to crack down on violators but he warned the Council this will anger many residents and the Council and city will likely receive some bad publicity over a tougher policy.

Mayor Burrows said he has heard residents complain that some Council members have code violations on their properties and he said as public officials they need to make sure they are complying with the same standards they expect residents to adhere to. Councilor Searle said in his opinion it is important to be fair and consistent in enforcing the nuisance ordinance and Mr. Hansen said the locations that get the most complaints are typically the most visible properties and are not necessarily the most serious violators in the city. Mr. Hansen said Riverdale has one Code Enforcement Officer who deals with a plethora of code issues like vegetation being cut back for adequate sidewalk clearance and parking and fire violations. He reiterated that if there is Council consensus to get heavy handed, staff will comply but he warned that there will be public dissent.

Councilor Arnold asked for an update about a resident's recent complaint about voles in her yard and Mr. Hansen said staff researched what other cities with similar problems have done in the past and gathered information from the USU extension service, the USDA's Wildlife Division and a local exterminator. He said Riverdale's Code Enforcement Officer visited the complainant and explained that the city cannot intervene to resolve rodent problems on private property. Mr. Hansen said he observed an exterminator's vehicle parked in front of the complainant's house recently and Councilor Arnold said he thought it was a civil matter but thanked the city for following up.

Councilor Mitchell asked about mosquito abatement in Golden Spike Park and Mr. Douglas said he would contact the man who Weber County has designated to spray in Riverdale and has keys to drive on the trail and to access all areas of the city. Mr. Douglas encouraged the Mayor and Council to forward any complaints about mosquitoes directly to him so that he can dispatch an abatement truck to the area in a timely manner. Mayor Burrows said he serves on the Weber County Mosquito Abatement District's Board and controllers are spraying to kill both adult mosquitoes and their larva on the ground with fog trucks, four wheelers on the trails and in the air with the district's airplane. There were no additional discretionary items.

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 7:02 p.m.

Approved: June 4, 2013

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder