



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –JUNE 4, 2013**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **June 4, 2013** at 6:00 PM at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Bruce Burrows, Mayor
Don Hunt, Councilor
Norm Searle, Councilor
Michael Staten, Councilor

Members Excused: Alan Arnold, Councilor
Braden Mitchell, Councilor

Others Present: Larry Hansen, City Administrator; Steve Brooks, City Attorney;
Dave Hansen, Police Chief; Michael Eggett, Community
Development Director; Lynn Fortie, Business Administrator;
Karen McIntosh, Police Sergeant; Ember Herrick, City Recorder
and five members of the public including Cody Hansen, Ricky
Hatch, Charles Kerkvliet and David Leahy.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all in attendance including all Council members except for Councilors Arnold and Mitchell who have both asked to be excused.

B. Pledge of Allegiance

Councilor Staten led the Pledge of Allegiance.

C. Moment of Silence

Mayor Burrows read a prayer for peace from Thomas Jefferson and 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 and there were none.

E. Presentations and Reports

Mayor Burrows said public works employees have removed the three small pavilions at Riverdale Park which are scheduled to be replaced in the coming weeks.

There were no items on the Recorder's Report and no new items on the Community Development Status Report.

F. Consent Items

Mayor Burrows asked if there were any changes to the June 4, 2013 Council and meeting minutes and none were noted.

Community Development Director Michael Eggett said the Council has until June 11, 2013 to get any comments on the proposed amendments to the General Plan to the City Recorder. He said a public hearing was held where no comment was received on the proposed amendments at the May 28, 2013 Planning Commission meeting and there is a unanimous recommendation from the Planning Commission to the Council to adopt the proposed amendments. Mr. Eggett asked for any questions or concerns and none were noted.

Motion: Councilor Hunt moved to approve the consent items. Councilor Searle 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. Public hearing to receive and consider public comment on Resolution 2013-21 and proposed amendments to RCC 1-12 1 through 13 The Consolidated Fee Schedule**
 - i. Business License Fees**
 - ii. Animal Fees**

Business Administrator Lynn Fortie said staff is proposing amending Riverdale's fee schedule specifically the business licensing fees for storage units and animal impound fees. Mayor Burrows said the Council has previously discussed that South Ogden has doubled the amount they are requiring Riverdale City to pay to contract the sheltering of animals. He said the proposed increase for animal impound fees from \$65 to \$85 is to help offset this cost.

Councilor Searle asked about the new business license fees for storage units and City Administrator Larry Hansen explained currently the fee is five dollars per unit annually and the proposed amendment is for a flat fee of \$250 with a resident manager and \$500 without a resident manager. Councilor Searle asked what the city's two storage unit facilities are currently paying in annual business licensing fees and Mr. Hansen said Riverside Storage paid \$1,082.50 and Stor N Lock Partners Riverdale LLC paid \$1,520.00 for their 2013 licenses. According to Mr. Hansen, this is three to five times what business owners of storage facilities pay in other cities and both facilities have complained about the cost of Riverdale business licensing in the past. Mr. Hansen said storage facilities in Riverdale are charged more than hotels although hotels typically require more policing.

Mayor Burrows opened the public hearing and no comment was received.

Motion: Councilor Hunt moved to close the public hearing. Councilor Staten seconded the motion.

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

Call the Question: The motion passed unanimously.

Mr. Hansen said Resolutions 2013-21 amending Riverdale's Consolidated Fee Schedule will be on June 18, 2013 agenda for Council consideration.

2. Public hearing to receive and consider public comment on Resolution 2013-22 and proposed amendments to the FY 2012-2013 budget

Mr. Fortie reviewed the list of amendments to the fiscal year 2012-2013 budget which included the unexpected retirement of a member of the police department and under capital projects an increase of \$100,000 for river restoration work. He said three RDA budget items were added that will not increase the overall RDA budget and he said he is also proposing an amendment to account for more sales tax revenue than initially anticipated. Mayor Burrows asked for any questions or comments on the proposed amendments and there were none so he opened the public hearing where no public comment was received.

Motion: Councilor Searle moved to close the public hearing. Councilor Hunt seconded the motion.

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

Call the Question: The motion passed unanimously.

Mr. Hansen said Resolutions 2013-22 and proposed amendments to the FY 2012-2013 budget will be on June 18, 2013 agenda for Council consideration.

3. Public hearing to receive and consider public comment on Resolution 2013-23 proposed FY 2013-2014 budget for all funds

Mr. Fortie said he had incorporated into the fiscal year 2013-2014 budget all of the changes with Council consensus discussed at the May 18, 2013 Strategic Planning Meeting. He said the amendments include increasing the budget for employee education assistance by \$2,000, budgeting \$12,000 for historical monuments, and increasing the water fund budget to replace a city water line while UDOT has the road torn up for repair work to Riverdale Road.

Mayor Burrows opened the public hearing and no comment was received.

Motion: Councilor Staten moved to close the public hearing. Councilor Hunt seconded the motion.

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

Call the Question: The motion passed unanimously.

Mr. Hansen said Council consideration of Resolutions 2013-23 proposed FY 2013-2014 budget for all funds will be on June 18, 2013.

4. Public hearing to receive and consider public comment on Ordinance 838 amending RCC 1-7-2 Mayor and Council Salaries, Employee Salary and Benefits and 1-7F-6 Justice Court Judge

Mr. Hansen said he has one correction to proposed Ordinance 838 as state statute requires Riverdale judge's salary be changed from \$44,502.00 to \$49,202.00. He said there are no other proposed amendments to the salaries for Mayor and Council as they will remain the same in 2014 as 2013. Mayor Burrows opened the public hearing and no comment was received.

Motion: Councilor Hunt moved to close the public hearing. Councilor Searle seconded the motion.

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

Call the Question: The motion passed unanimously.

Mr. Hansen said the salary of Riverdale's Justice Court Judge in Ordinance 838 will be amended to \$49,202.00 for the Council's consideration on June 18, 2013.

5. Consideration of Ordinance 836 proposed amendments to RCC 1-7-3 Appeal Board

City Attorney Steve Brooks said Ordinance 836 proposed amendments to RCC 1-7-3 amends Riverdale's Policy and Procedures Manual to change who sits on Riverdale's Employee Appeal Board. He said the Appeal Board is used rarely but a recent hearing illustrated a need to consider removing the two council members that sit on the board as the City Council is the authority that hears all requests to overturn the appeal board's decision. Mr. Brooks said it is his legal recommendation that the Council be separate from the Employee Appeal Board so that if an employee were to appeal the Board's decision to the Council two members would not already be prejudiced in the case. He said if the Council adopts Ordinance 836 Riverdale's new three member Employee Appeal Board would be chosen on a case by case basis from three members of Riverdale's Risk Management Committee excluding the City Administrator, City Attorney, City Recorder, and employee's Department Head who is appealing the action taken against them. Mr. Brooks asked for questions or comments and there were none.

Motion: Councilor Searle moved to approve Ordinance 836 proposed amendments to RCC 1-7-3 Appeal Board. Councilor Staten seconded the motion.

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

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

6. Consideration of Resolution 2013-19 proposed amendments to Riverdale's Human Resources Policies Chapter 7 Discipline and Grievances Procedure

Mr. Brooks said Resolution 2013-19 also involves changes to Riverdale's Human Resources Policies dealing with how evidence is presented during the discipline and grievances process. He asked for questions or comments and there were none.

Motion: Councilor Hunt moved to approve Resolution 2013-19 proposed amendments to Riverdale’s Human Resources Policies Chapter 7 Discipline and Grievances Procedure. Councilor Searle seconded the motion.

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

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

7. Consideration of Ordinance 837 adopting a proposed amendment to Riverdale City Code 10-16-8B(3), SIGN/ZONE REGULATIONS

Community Development Director Michael Eggett said this proposed change will remove confusion over how much signage is allowed for commercial developments. Mr. Eggett said by removing the phrase “for each tenant” the ordinance will be clearer that 600 sq ft of signage are allowed for each development, regardless of the number of tenants. He said the language change received no comment during a public hearing and has the unanimous recommendation of the Planning Commission. Mr. Eggett asked for questions or comments and there were none.

Motion: Councilor Staten moved to approve Ordinance 837 adopting a proposed amendment to Riverdale City Code 10-16-8B(3), SIGN/ZONE REGULATIONS. Councilor Hunt seconded the motion.

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

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

8. Consideration of Resolution 2013-24 amending Riverdale City’s Developers Agreement with Brook Haven

Mr. Eggett said the current property owner of Brook Haven Rob Reynolds is requesting an amendment to the Developer’s Agreement with Riverdale City. He said the site plan calls for five buildings and Mr. Reynolds fears 600 sq ft of signage will be insufficient for the development so he is requesting an amendment so that the landmark sign and a proposed electronic pylon sign won’t be counted towards the development’s allowed signage. Councilor Hunt asked if the 600 sq ft of signage will be one large sign and Mr. Eggett said the signage will be different for each tenant depending on what they negotiate with the developer and as long as the total doesn’t exceed 600 sq ft. Councilor Hunt asked about the proposed pylon sign and Mr. Eggett said the Planning Commission will review Mr. Reynold’s request for an electronic sign proposed for placement behind the two existing buildings visible from the freeway with the names of lessees rotating.

Mr. Brooks said some clerical changes need to be made to Resolution 2013-24 which was hastily included in the packet to accommodate a request from the developer to get this item on the Council agenda late Friday afternoon. Mr. Brooks said any references to “Redevelopment Agency” need to be replaced with “Riverdale City” and Mr. Hansen

said all references to an “Agreement to Develop Land” should also be stricken and replaced with “Developer’s Agreement”.

Motion: Councilor Searle moved to approve Resolution 2013-24 amending Riverdale City’s Developers Agreement with Brook Haven with the changes noted by staff. Councilor Staten seconded the motion.

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

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

Mayor Burrows recognized Weber County Clerk/Auditor Ricky Hatch and said he is attending tonight’s public meeting to give a report on the progress of Weber County’s June Special Election for the library bond. Mr. Hatch said he is not here to take sides on the issue but to simply educate the public and elected officials about the process and controls implemented for the vote by mail special election. He said all registered voters should have received a ballot in the mail and voters have three options to return their ballots, they can mail them back by June 24, 2013 or drop off their ballot at one of the six vote centers in Weber County by June 25, 2013. According to Mr. Hatch, the closest vote centers to Riverdale are South Ogden and Roy which have secure drop boxes where completed ballots can be deposited. Mayor Burrows asked for clarification about drop locations and Mr. Hatch said they are located at the municipal buildings of Roy, South Ogden, North Ogden, Marriott-Slaterville and at the Weber Center where the County’s election offices are housed and at the Ogden Valley Branch Library in Huntsville. Mr. Hatch said if a voter doesn’t receive a ballot but believes they are registered to vote and should have received a ballot they can vote provisionally at one of the six vote centers on a machine on Election Day June 25, 2013. He said controls have been implemented including having two election workers pick up ballots directly from post offices and lock them in the county building until they are ready to be counted. Mr. Hatch said all ballots are handled by two election workers at all times as an extra control including when the voter’s signature is being verified. He said if the signature doesn’t match the voter will immediately be notified with information about what they must do to have their ballot counted. Mr. Hatch said specially designed envelopes allow the ballot to be sealed during the verification process and only opened when it is ready to be counted. He said nothing on the ballot will link it to the voter after it has been removed from the envelope so that all ballots are secret.

Mr. Hatch said Weber County has created informational posters and flyers for each participating city to display to help educate voters about the vote by mail process and he complimented Riverdale’s City Council for their unanimous decision to have a vote by mail Municipal Election in 2013. Mr. Hatch said most of the publicity about vote by mail has been positive and he asked for any questions or concerns. Mayor Burrow said the biggest concern he has heard is that many people are worried the signature they have on file won’t match their ballot signature. Mr. Hatch said Election Officers are trained to identify patterns unique to an individual’s signature and a clear process has been established to verify ballots if there is concern or doubt about the authenticity of the ballot signature.

Councilor Hunt asked what problems have been identified in other cities that use vote by mail and if voter fraud has increased in areas that exclusively use mail in ballots. Mr. Hatch said he did extensive research into voter fraud and in Oregon where the entire state has been conducting vote by mail elections for 13 years, out of 23 million ballots there have only been 13 convictions for election fraud. He said the University of Arizona did a nationwide study of criminal cases associated with voter fraud and since 2000 there have been 51 cases of voter fraud in Utah all associated with voter registration and none associated with voting by mail. Mr. Hatch said stealing mail, forging a signature and casting a fraudulent vote are all crimes so individuals would need to break several federal laws and would face serious prosecution if they attempt to commit voter fraud. He said attorneys with Weber County have evaluated the facts to determine the risk of voter fraud in a vote by mail election and have concluded the risk to be low.

Mr. Hatch said the biggest drawback Weber County identified associated with a vote by mail election is the additional cost which can be 30 percent higher than a traditional election. He said the cost per ballot in vote by mail is lower but elections typically cost more because they increase efficiency and voter participation. Mr. Hatch asked for any additional comments or questions and there were none.

H. Discretionary Items

Mayor Burrows asked if there were any discretionary items and there were none.

I. Adjournment:

With no further business to come before the Council at this time, Councilor Searle moved to adjourn the meeting. Councilor Hunt seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 6:46p.m.

Approved: June 18, 2013

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder