



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –JUNE 17, 2014**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **June 17, 2014** at 6:06 PM at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Norm Searle, Mayor
Don Hunt, Councilor
Braden Mitchell, Councilor
Michael Staten, Councilor
Brent Ellis, Councilor

Via Telephone: Gary E. Griffiths, Councilor

Others Present: Rodger Worthen, City Administrator; Steve Brooks, City Attorney; Scott Brenkman, Police Lieutenant; Roger Bodily, Fire Chief; Shawn Douglas, Public Works Director, Michael Eggett, Community Development Director; Lynn Fortie, Business Administrator, Ember Herrick, City Recorder and 20 members of the public including Aaron Jones, Rob Kolkman, Jason Stansfield, Mikael Stanfield, Jennica Roberts, Kate Vandehei, David A. Leahy, Chuck Kerkvliet.

A. Welcome & Roll Call

Mayor Searle called the meeting to order and welcomed all in attendance including all Council members he noted that Councilor Griffiths is participating via telephone.

B. Pledge of Allegiance

City Administrator Rodger Worthen led the Pledge of Allegiance.

C. Moment of Silence

Mayor Searle called for a moment of silence when he asked everyone to remember our police officers, fire fighters, and U.S. military service members.

D. Open Communications

Mayor Searle invited any member of the public with questions or concerns to address the Council for approximately three minutes.

Ogden resident Mikael Stansfield said she would like Riverdale City to take action against a Blue Boutique billboard on Riverdale Road. She said she shops in Riverdale and visits the city parks with her children and she finds the billboard offensive and she said that by remaining silent on this issue, the Council is condoning the erotic message she feels the billboard conveys. Mrs. Stansfield said elected officials have an obligation to regulate sexually oriented businesses through the creation of obscenity laws to prosecute purveyors of obscene material and maintain community standards. She said the city attorney and city manager have told her there is nothing they can do because

billboards are covered by free speech protections but she said cities like Cincinnati Ohio have created laws to eliminate obscene materials and she cited case law from other cities that have banned all billboards in their city limits so that they don't need to worry about offensive advertisements and can't be charged with violating freedom of speech. Mrs. Stansfield there is legal precedence for cities giving billboard companies three years to move before a total billboard ban goes into effect that Riverdale could defend in a court of law. She said these billboards are only going to get worse and she challenged the Mayor and Council to take the necessary steps now to improve the city's traffic safety, aesthetic beauty and prevent moral deterioration of Riverdale by content she defined as "soft pornography".

Ogden resident Jennica Roberts said she is also opposed to the Blue Boutique billboard and she described how the image negatively affects her and she asked the Mayor and Council to have the image taken down. Ms. Roberts said she would be willing to go door to door to get signatures on a petition of residents opposed to the billboard if it will help the city take action and she said the content of advertisements will continue to deteriorate if individuals don't take a stand now.

Mayor Searle said he has received several emails and phone calls from individuals upset with the Blue Boutique billboard and threatening to boycott shopping in Riverdale if elected officials don't force Reagan signs to remove the advertisement. He said America is a nation that allows free speech and free enterprise if decency standards aren't violated, so he and City Attorney Steve Brooks reviewed the adult store billboard and it does not qualify as obscene. Mayor Searle said the model on the billboard is wearing a two piece swimming suit doing a swim stroke and he doesn't believe there would be any public outcry if the advertisement were for a water park instead of an adult store. According to Mayor Searle, there is no nudity and nothing pornographic about the image and it is no more revealing than many images on reputable newsfeeds or selfies people post on social media sites. Mayor Searle said Mr. Worthen has contacted Reagan Outdoor Advertising to communicate the sentiments of concerned citizens and he encouraged those offended by the image to also call the sign company. He said one of the unintended consequences of this discussion is that it gives the Blue Boutique free publicity. Mayor Searle said Reagan Outdoor Advertising has a current business license with Riverdale City and legally owns the property where their sign is located and if the city were to order this billboard be removed Riverdale City would be sued. Mr. Brooks said he sympathizes with the concerned citizens that have spoken in opposition to this sign. He said billboard companies have very powerful lobbyists that work on their behalf to tailor laws in their best interest through the Utah State Legislature. According to Mr. Brooks, billboard companies have teams of attorneys with an excellent understanding of obscenity law and won't all the billboard companies they represent to post images they can't defend in court. He said if Riverdale City were to take legal action to have this billboard image removed the city would be wasting taxpayer dollars and would lose the lawsuit. Mr. Brooks said eliminating all of Riverdale's billboards would be viewed by the billboard companies as a financial taking of millions of dollars. Councilor Hunt said Riverdale City has battled with Reagan Outdoor Advertising in the past and lost and he said because the Council are the stewards of public monies they must carefully weigh the costs and potential benefits of the battles they fight.

Mayor Searle said Riverdale resident Cody Hansen sent the following email to be read on the record during tonight's public meeting:

Mayor, Council, and Staff,

I have a serious concern with the use of fund balance in the upcoming fiscal year's budget. The last FY budget showed a \$40,000 budget surplus. This year a \$157,000 use of fund balance. A difference of nearly \$200,000.

According to Benchmark 7 (recent history of the General Fund Surplus) this has not occurred in at least the last 10 years; years which include one of the most fragile economic climates in the city's history.

Over this timeline the city has clearly established, through their unique organizational operation, a trend of financial success in situations both difficult and prosperous.

In the explanation of Benchmark 4 (fund expenditures by dept.) there is a paragraph that reads "Of particular importance to us as we evaluate this would be the slope of the trend lines over a period of time, the reasons for their changes, and the prospects for sustainability."

These issues are very important to me. I campaigned on the importance of doing everything we can to maintain the positive trends of our benchmark and performance measures.

Are we doing everything we can?

Just a few months in and we are already, at the first opportunity, moving away from the obvious trends of sound financial leadership. Using the rainy day fund to balance the budget at this time seems less than challenging, and it appears as though we have chosen to take the easy way out.

All poor financial positions have a genesis. Is this ours? Is this the beginning of a financial direction that will eventually lead to an increased impact on the citizens, such as higher property taxes or a revenue cop out like franchise fees?

As far as I know none of you have ever voted to use the rainy day fund to balance the budget; but if you did make that vote, I would hope that it would only be under extraordinary circumstances. And I just don't see any extraordinary circumstance here, no issue that the city hasn't faced on equal or greater scale in the previous years of balanced budgets.

I have both publicly and privately expressed support for, and confidence in this administration, council, and staff. I hope that I will not regret that in the future.

Thank you

Cody S. Hansen
4512 s. 1025 w.

Mayor Searle said it is unfortunate that Mr. Hansen was unable to attend the Strategic Planning budget meeting on May 31, 2014 or the budget public hearings on June 3, 2014 to participate in earlier discussions and hear the Council's rationale for using Riverdale's rainy day fund to help balance the fiscal year 2014-2015 budget. Mayor Searle said fines and forfeitures and ambulance fees are projected to be down again next year which will cause a shortfall if Riverdale continues to provide the same level of services as the current fiscal year. He said Mr. Worthen and Business Administrator Lynn Fortie have worked on the budget for many long hours over the past few months and recognize that using rainy day fund monies isn't a sustainable way for Riverdale City to operate. Councilor Hunt said he appreciates Mr. Hansen's comments and he asked Mr. Worthen what his advice to the Council is to overcome the shortfall and if employee retirements are contributory factors to the problem. Mr. Worthen said expenditures cannot exceed revenues and Riverdale's highest expense is staffing including retirements and benefits so this is where future cuts may need to be made. According to Mr. Worthen, department budgets have been cut down to the essentials after a line item review which helped reduce the projected shortfall from \$300,000 to \$140,000. He said sales tax is not rebounding as fast as expected after the latest recession, which he said could be attributed in part to ongoing Riverdale Road construction through the end of the year. Mr. Worthen said every time we implement a new recreation program, build a new amenity, or purchase a new parcel of land there is an associated cost for the city.

Councilor Mitchell said all departments made cuts to their budgets for the coming fiscal year in anticipation of the shortfall and after asking some tough questions of department heads at the last strategic planning budget meeting he is convinced they are all aware of city's financial situation and are concerned about sustainability. He said the Council knows if sales tax revenues don't rebound after this latest phase of road construction is complete, additional cuts will be necessary and don't intend to use rainy day funds to balance next year's budget. Councilor Mitchell said Mr. Hansen is a smart man and he appreciates him paying attention to this important issue.

Mayor Searle said Riverdale is working with an annual budget just over \$8 million dollars and is in good financial shape following years of fiscal restraint so that Riverdale is in a position to take advantage of opportunities that arise like a recent 17 acre land purchase for future park development without bonding. He said the Council is considering a budget that does anticipate the use of rainy day funds for fiscal year 2014-2015 but is still maintaining the soft hiring freeze and operating under the same staffing authorization established nine years ago as part of the 2005 Action Plan. Mayor Searle said existing staff has taken on additional responsibilities to provide the same level of service without hiring additional manpower, but staffing costs steadily increase every year because the cost of insurance and benefits for employees continues to rise and therefore must be monitored closely.

E. Presentations and Reports

Mayor Searle thanked all the city employees from fire, police and public works that were involved in putting out the trail fire on Monday June 9, 2014 and he expressed gratitude to neighboring cities Riverdale has interlocal agreements with that assisted in extinguishing hot spots in subsequent days.

Mayor Searle said at a recent Weber Pathways meeting he expressed concern that the concrete on the new bridge at the south end of Riverdale City's trail was poured too early in the season which could cause the cement to crack and peel in the future. He said Weber Pathways plans to turn over maintenance of the bridge to city staff after the one year warranty expires.

City Administrator Rodger Worthen recognized staff with anniversaries in the month of June, thanking them for their service including firemen Curtis Leishman and Cameron West who are both celebrating their five year anniversaries. He said a new plumbing supply store is scheduled to open in Riverdale and staffing is under authorization.

F. Consent Items

Mayor Searle asked if there were any changes to the May 31, 2014 Strategic Planning or June 3, 2014 Council meeting minutes and none were noted.

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

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

Call the Question: The motion passed unanimously.

G. Action Items

1. a. Public hearing to receive and consider public comment regarding proposed amendments to the Certified Tax Rate

b. Consideration of Resolution 2014-18 adopting a Certified Tax Rate

Mayor Searle said the first action item is a public hearing to receive and consider input regarding proposed amendments to the certified tax rate. Business Administrator Lynn Fortie said the new tax rate was received from Weber County and there is a slight decrease over the previous fiscal year with the current rate of .001242. Mayor Searle invited public comment during the public hearing and there was none.

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

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

Call the Question: The motion passed unanimously.

Mayor Searle asked for any Council comments or questions on proposed Resolution 2014-18 adopting a new certified tax rate and there were none.

Motion: Councilor Mitchell moved to approve Resolution 2014-18 adopting a Certified Tax Rate of .001242. Councilor Hunt seconded the motion.

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

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

2. Consideration of Resolution 2014-12 adopting changes to HR Policy 2-4 Exempt Employees

Mayor Searle said the second action item is consideration of Resolution 2014-12 and Mr. Fortie said the proposal is to make the position of Community Services Coordinator an exempt employee because HR Manager Stacey Comeau said the position meets the state requirements. Mayor Searle asked for questions and there were none.

Motion: Councilor Hunt moved to approve Resolution 2014-12 adopting changes to HR Policy 2-4 Exempt Employees. Councilor Ellis seconded the motion.

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

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

3. Consideration of Resolution 2014-13 amending the language on Riverdale City's agreement with Ogden Constables to give them UCJIS access

City Attorney Steve Brooks said in September 2013 the Council approved the renewal of an agreement with Ogden Constables to continue serving warrants in Riverdale City. According to Mr. Brooks, shortly after that time the federal government restricted the constables' access to the Utah Criminal Justice Information System (UCJIS) system to check warrant status which is risky and costly. Mr. Brooks said Resolution 2014-13 and the amended agreement will put the constables under the umbrella of the Riverdale City Justice Court for UCJIS access and the resolution also stipulates the Mayor delegates authority to the city attorney to sign this agreement and oversee the constables.

Motion: Councilor Ellis moved to approve Resolution 2014-13 amending the language on Riverdale City's agreement with Ogden Constables to give them UCJIS access. Councilor Mitchell seconded the motion.

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

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

4. Consideration of Resolution 2014-14 adopting proposed amendments to the FY 2013-2014 budget

Mayor Searle said the fourth action item is consideration of Resolution 2014-14 adopting proposed amendments to the FY 2013-2014 budget. Mr. Fortie said there are no changes to the amendments from the June 3, 2014 public hearing and Council meeting. Mayor Searle asked for any questions and comments and none were noted.

Motion: Councilor Staten moved to approve Resolution 2014-14 adopting proposed amendments to the FY 2013-2014 budget. Councilor Hunt seconded the motion.

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

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

5. Consideration of Resolution 2014-15 adopting the FY 2014-2015 final budget plus proposed amendments

Mayor Searle said the fifth action item is consideration of Resolution 2014-15 adopting proposed amendments to the FY 2014-2015 budget. Mr. Fortie said there are no changes to the amendments from the June 3, 2014 public hearing and Council meeting but the projected numbers changed slightly when he plugged in the new certified tax rate of .001242. Mayor Searle asked for any questions and comments and none were noted.

Motion: Councilor Ellis moved to approve Resolution 2014-15 adopting proposed amendments to the FY 2014-2015 budget with proposed amendment. Councilor Griffiths seconded the motion.

Mayor Searle asked for discussion on the motion and Councilor Hunt asked for clarification about the budget numbers that changed when Mr. Fortie calculated in the new certified tax rate from Weber County. Mr. Fortie said assessed property values in Riverdale are up slightly over the previous year so the tax rate decreased and he said the adjustments he made were so that the budget for FY 2014-2015 is balanced. Mr. Worthen said Riverdale can't impose a higher tax rate than Weber County without holding truth in taxation hearings.

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

6. Consideration of Ordinance 857 adopting amendments to RCC 1-7-1 Human Resources Manual, RCC 1-7-1 HR Manual and 1-7-2 Salaries and Expenses, and 1-7F-6 Justice Court Judge

Mayor Searle said the sixth action item is consideration of Ordinance 857 adopting amendments to RCC 1-7-1 HR manual and RCC 1-7- 2 Salaries and Expenses and 1-7F-6 Justice Court Judge. Mr. Fortie said Ordinance 857 will approve a new pay scale and Mayor Searle asked for any questions and comments and none were noted.

Motion: Councilor Mitchell moved to approve Ordinance 857 adopting amendments to RCC 1-7-1 HR manual and RCC 1-7- 2 Salaries and Expenses and 1-7F-6 Justice Court Judge. Councilor Ellis seconded the motion.

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

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

7. Consideration of Resolution 2014-17 establishing fire and fireworks restrictions for Riverdale in 2014

Mayor Searle said the seventh action item is consideration of Resolution 2014-17 establishing fire and fireworks restrictions for Riverdale in 2014. Fire Chief Roger Bodily said in view of weather conditions and recent fires he feels these restrictions are practical and he outlined the areas where fireworks are banned which are the same as previous years and include the river trail and adjacent homes and south west bench and east bench. He said Resolution 2014-17 will ban open flames and fires and fireworks on the river corridor. Mayor Searle asked about implementing the ban earlier or putting in place a permanent fire ban and Chief Bodily said these proposals are worthy of consideration and he said he will work with the city attorney on this. Councilor Mitchell asked that the city put the fire ban information on Riverdale's website and use social media like Facebook and Twitter to get the word out. Councilor Ellis asked Chief Bodily to consider more fire ban signage on the trail and Chief Bodily said he will work with Mr. Douglas on this and Mayor Searle said staff also needs greater enforcement of the ban on the trail.

Motion: Councilor Ellis moved to approve Resolution 2014-17 establishing fire and fireworks restrictions for Riverdale in 2014. Councilor Mitchell seconded the motion.

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

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

H. Discretionary Items

Mayor Searle asked for any discretionary items and Councilor Ellis said the Council's first historic marker will be completed and available for display at Riverdale's Sunrise Service on July 4, 2014.

Councilor Staten asked if the bridge damaged in the recent trail fire was insured and if the individual charged with starting the fire will pay for the cost of the repairs and Mr. Worthen said the goal is to repair the bridge as soon as possible and early cost estimates are between \$30,000 and \$60,000, so this will likely be brought back to the Council for funding approval because it will exceed the \$25,000 staffing authorization level. Mr. Worthen said a 19 year old male with no assets has been charged with starting the fire

and although the city will seek restitution, it is unlikely they will recover money from this individual. Councilor Staten asked about the possibility of using volunteers and lumber donations to repair the bridge Mr. Worthen said for liability reasons professionals must be contracted to repair the bridge. Mr. Worthen said until the bridge is repaired trail users will need to detour through the subdivision and Councilor Staten suggested detour signs and maps be posted to help trail users unfamiliar with Riverdale to navigate around the burned out bridge. Councilor Hunt said he wasn't notified about the fire and Mr. Worthen said he sent an email to all the Council members and called the Mayor as soon as he heard about the fire and he said if a similar event happens in the future he could call individual Council members too. Mr. Worthen said this was the fourth fire in recent weeks but the other three were minor. Councilor Hunt asked if CERT teams could have been deployed in the days following the trail fire to monitor hot spots and provide an official presence when the Riverdale Fire Department couldn't be on scene. He said it would have been good training for local CERT members but Mr. Worthen said this isn't the type of activity CERT teams are trained for and it would have created liability as well as logistical issues for Riverdale's Police and Fire Departments. Chief Bodily reviewed his department's efforts to extinguish the fire. Councilor Hunt expressed concern over danger to trail users from the fire damaged trees and Mr. Worthen said the area has been barricaded off and Mayor Searle said staff should verify the area is barricaded and the signs are still up daily to keep people out of this dangerous area. Councilor Mitchell commended staff for their efforts to barricade the area with fencing wire and signs and Mr. Douglas said his staff has closed the trail but it won't prevent everyone from accessing the area. There were no additional discretionary items.

I. Adjournment:

With no further business to come before the Council at this time, Councilor Mitchell moved to adjourn the meeting. Councilor Staten seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:30 p.m.

Approved: July 15, 2014

Attest:

Norm Searle, Mayor

Ember Herrick, City Recorder