

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **December 20, 2005** at 6:00 pm at the Riverdale Civic Center, 4600 South Weber Drive.

Members Present: Bruce Burrows, Mayor
Nancy Brough, Councilor
David Gibby, Councilor
Stan Hadden, Councilor
Stacey Haws, Councilor
Shelly Jenkins, Councilor

Others Present: Larry Hansen, City Administrator
Randy Daily, Community Development Director
Lynn Fortie, Business Administrator
Lynn Moulding, Public Works Director
Wayne Hoaldrige, Public Safety Administrator
James Ebert, Police Sgt.
Doug Illum, Fire Chief
Steve Brooks, City Attorney
Jan Ukena, City Planner
Cindi Mansell, City Recorder

Rick Thomas
Jessie Szalay

Mayor Burrows called the meeting to order and welcomed those present. He then offered the Pledge of Allegiance, followed by a quote by Patrick Henry. A Moment of Silence followed.

Mayor's Report

Mayor Burrows reported that tomorrow is the Employee Christmas Luncheon at 12:00 noon at the Community Center. He stated both outgoing Councilors will be honored at that time for their service. He stated he would also like to honor Nancy Brough and Stan Hadden this evening; and has certificates in accordance to years of service. Mayor Burrows then awarded Nancy Brough a certificate of appreciation for her 12 years of service; and Stan Hadden for 3 years. A round of applause followed, with Mayor Burrows expressing gratitude for the time and dedication given.

Councilor Brough stated she has appreciated the time working with City staff and various elected officials. She stated she would like to wish everyone well and will miss the association with City employees.

Councilor Hadden stated it has been a real pleasure working with everyone and he will miss their association. He stated the City has many good people and he will miss his colleagues. He encouraged everyone to stop by and visit.

City Administrator's Report

Department Information

Mr. Hansen referenced the information packet with summary reports by department for the month of November, 2005. He stated there have been many positive developments and accomplishments during this calendar year. He stated he appreciates the support of the Mayor and Council in assisting staff in executing decisions in a timely and professional manner.

Employee Recognition

Mr. Hansen explained the Employee Recognition area now includes a digital picture - to enable placement of a name with a face. Mayor Burrows and Mr. Hansen then honored Lynn Moulding, Public Works, 26 years; James Ebert, Police, 14 years; Chris Stone, Business Administration, 13 years; Stephanie Bishop, Fire, 4 years; Matthew Slater, Fire, 4 years; and Joey Clark, Public Safety, 1 year. Mr. Hansen expressed appreciation towards these valued employees and all they have done in their years of tenure.

Consent Items

Approval of Minutes

Mayor Burrows reported the City Council has before them the minutes of the Work Session and Regular Meeting of December 6, 2005. There were no amendments necessary.

Report on Condition of the Treasury - as of October 31, 2005

Mr. Fortie highlighted the major items that occurred during the month of October. He explained this was a standard month, and the revenues appear to be on track. He stated there were expenditures from the RDA for Richard Chong & Associates; and from Capital Projects (large expenditures for roundabouts/parks and trails).

FY2005 Sewer Impact Fee Report

Mr. Fortie explained to comply with Utah State law, Riverdale City is required to prepare a report on each fund for impact fees showing the source and amount of all monies collected, earned and received. He stated although it is not necessary to enter this report into public record, staff does feel it is appropriate to present this information to the City Council. Mr. Fortie explained the ending balance is negative because of up-front sewer project expense; and the impact fee will not be collected after the deficit has been recouped.

Inquiry was raised as to recent building fluctuation and whether the sewer impact fees are development driven. It was stated that impact fee collections in 1997-1999 were large and have since reduced. Mr. Fortie explained not all areas are charged an impact fee.

Motion: Councilor Gibby moved to approve the Common Consent items as proposed. Councilor Jenkins seconded the motion. The motion passed unanimously.

Notification of Public Hearing - Budget Adjustments

Mr. Fortie presented information regarding notification of a public hearing scheduled for January 17, 2006 to consider FY2005-2006 Fire Services Budget Amendment request. He stated the Fire Department has received grant monies that were not expected nor

anticipated at the time of budget preparation and adoption. He stated there is also additional money anticipated; which staff felt is significant enough to proceed with budget amendment to allow expenditure. He stated additional details will be presented at the actual hearing.

Consideration of Planning Commission recommendation - Unity Development

Mr. Daily explained the Unity Development rezone request came before the Planning Commission on November 22, 2005. He stated the recommendation was for a Developer's Agreement to be in place prior to rezoning taking place on this property. He stated to comply with proper legal procedure, the Planning Commission recommendation is being presented to the City Council at this time. He stated staff would then recommend tabling of the item until a Developer's Agreement can be completed.

Councilor Jenkins inquired who will be composing the Developer's Agreement. Mr. Daily explained the City's legal counsel and possibly an outside legal representative will assist in the preparation. Councilor Jenkins stated she would have concerns she would hope would be covered; and feels it would be nice to know the intended contents. Mr. Daily explained this is to be an agreement between the developer and the City Council; and will be provided for review prior to adoption.

Councilor Jenkins further inquired as to interaction with a contracted person to advise in this particular area, stating she would still question the Planning Commission zoning recommendation of mixed use. She inquired as to the overlay concept and the direction in this regard. Mr. Daily summarized the need to have a Developer's Agreement in place before any of the property is rezoned. He stated this agreement would have to be concise, thorough, and pointed so there are no questions as far as the development of the property.

Councilor Gibby stated it really is hard to speculate on the agreement contents until it is prepared and returned for consideration.

Motion: Councilor Gibby moved to table consideration of the Unity Development Rezone Request until such time as the Developer's Agreement comes forward for consideration. The motion was seconded by Councilor Haws.

Councilor Jenkins expressed concern as to the direction of this agreement, stating she would hate to be counterproductive. Mayor Burrows stated he would recommend a draft version be provided to the City Council for markup and recommendation. He stated the idea is to provide a draft form to enable the Council to see if these concerns are being addressed. Mr. Daily stated he will be able to sit down with legal counsel and the petitioner, as there may be some negotiating to be done.

Councilor Jenkins discussed the City-owned large piece of property that connects to the property in question. She stated she feels this to be critical to the development; especially parks, access, etc. Mr. Daily stated there is language to address stub streets to the property, and Unity does have a plan for development of their property. He stated one

clause of the agreement could be relative to open space set aside in addition to the gifted property.

Councilor Brough expressed concern as to having all the information available to prepare an effective Developer's Agreement. She stated she feels it ought to be known up front as to bridge location, road placement, etc. Mr. Daily stated there is nothing illustrated to pertain to City property. He stated the development will impact public-owned property to the south and that will be included within the plan.

Mayor Burrows encouraged the Council to deliver their concerns as to the detail involved to Mr. Daily and legal counsel. Councilor Brough expressed additional concern that one can only make as good a decision as the information provided; and she feels there is not enough information on several issues. Mr. Hansen stated while recognizing legitimate concerns with regard to specific details, tabling of this matter is the most prudent and responsible action at this time. He stated once the Council is comfortable with the draft agreement, it can then move forward for adoption.

Councilor Hadden referenced construction of the bridge, and inquired if the State Engineer's Office has been approached. Mr. Daily stated the alignment is not yet specific, and this entity will have to be involved with all federal regulators. Councilor Hadden stated the developer would be wasting their time should the State Engineer's Office not approve the bridge. He stated there are certainly issues with regards to property access providing for development as proposed.

Councilor Gibby stated this discussion is merely enforcing the need to table this issue in lieu of additional information.

Call to Question

Roll call vote: Councilor Hadden, No; Councilor Haws, Yes; Councilor Jenkins, No; Councilor Brough, No; and Councilor Gibby, Yes. The motion failed 3-2.

Councilor Jenkins expressed concern as to discussion not to proceed with detail and expense until the rezone is complete; stating now the Council is being counseled not to develop without a Developer's Agreement. Councilor Gibby argued there is no pre-permission; as rezone of this property is contingent upon a Developer's Agreement being in place. Mr. Hansen stated a detailed Developer's Agreement needs to be prepared. He stated the developer understands this delay, is aware and has agreed to the required extra steps. He stated the petitioner is not going to spend any more money until the property is rezoned. Mayor Burrows stated there is already an existing list of concerns for consideration within the Developer's Agreement. He further stated outside legal representation has been hired as a recommendation from URMMA.

Councilor Brough stated she would still have concern that a Developer's Agreement will only be as good as the information the attorney receives. She stated tabling with concerns is a good idea. Mr. Daily stated there will also be things NOT required, as these issues raised

are already intended to be part of the Developer's Agreement. He stated the developer will be in turn then bound by federal and state law to comply.

Councilor Haws inquired if a Developer's Agreement would be so specific as to include specification of the bridge location. Mr. Daily stated both the Planning Commission and City Council would be provided a development mylar for consideration and approval, prior to recording. Councilor Haws stated most of these items will have to occur prior to the Developer's Agreement (i.e. location of the bridge and obtaining approval). Mayor Burrows stated these variables are all part of the draft process.

Councilor Brough stated the site plan shows a road connecting yet also eliminates use of recreational land as intended by the City. She stated it is important for the City to get with the Army Corp regarding wetland issues and to be proactive in determining a road location. Mr. Daily stated there is no detail of a road on City property at all; and the developer has not provided a stub because the City has not informed them where it would meet up or the optimal location. Mrs. Ukena explained one cannot base a decision on a site plan that is not yet existing or even approved.

Councilor Brough continued with concerns relative to road alignment; wetland areas next to railroad tracks; how much of the donated property is underwater and how much is trail area - or basic composition of the gifted property. She inquired as to whether it is feasible to put a trail through this area and what it will look like. She discussed the need for the City to discuss the bridge location alignment and property impacts with the State Engineer's Office. Mr. Daily stated the State Engineer is one of many that will have to provide consideration.

Further discussion followed relative to access points for fishing, trail parking, or access points for Division of Wildlife river access. Councilor Jenkins expressed concern as to Councilors Hadden and Brough and the work and consideration they have provided to this project. She stated they will not even be seated when the Developer's Agreement comes into respect. She encouraged these members to jot down their concerns to be provided to the incoming members. Mayor Burrows encouraged all issues be referred to legal counsel.

Motion: Councilor Gibby moved to table consideration of the Unity Development Rezone Request until such time as the Developer's Agreement comes forward for consideration. Seconded by Councilor Haws. The motion then passed unanimously.

Parcel consolidation - 985 West Riverdale Road

Mrs. Ukena explained the need to take five parcels and consolidate into one parcel to provide for the Check City development at 985 West Riverdale Road. She stated there are still other issues to be completed, but there is the need to go ahead and get this done. She stated the Planning Commission and City Engineer have both given approval; and the consolidation now requires City Council approval prior to recording. Mrs. Ukena stated the site plan will come forward at a later date.

Inquiry was raised as the overall property outline, with Mrs. Ukena stating the boundary is the same and this action merely provides for removal of individual lot lines.

Motion: Councilor Gibby moved to approve the parcel consolidation at 985 West Riverdale Road as proposed. The motion was seconded by Councilor Hadden and passed unanimously.

Fire Truck Apparatus Acquisition

Chief Illum distributed an Executive Summary for Council consideration. He stated he would like to come before the Council to request purchase of a fire apparatus for Riverdale City. Chief Hoaldrige explained that he appreciates all the work and energy of Chief Illum. He stated they have met in detail with Mr. Hansen and conducted extensive discussion about the proposed acquisition. He stated he stands in support of the Fire Chief, as he feels it is something that is necessary - but certainly, not without issue.

Chief Illum explained on April 19, 2005, the City Council approved \$500,000 be included in the budget to provide for acquisition of a fire truck. He stated since then, there have been issues with the company that was going to provide the truck to Riverdale. He stated the truck is still being utilized in Sparks, Nevada; and their estimated delivery date is not until May or later. He stated Riverdale will not receive a cost reduction on the purchase price for the additional miles or wear and tear on this unit. Chief Illum stated American LaFrance has basically stated "take it or leave it". He stated after discussion of these issues with Chief Hoaldrige and Mayor Burrows; he was given direction to seek other options.

Mayor Burrows explained after Chief Illum explained the situation to him, he became upset that this company is so lacking in customer service and could be so unyielding. He stated he had merely thought there should be consideration of other options available so American LaFrance would not think they were the only option in town. He stated he feels as if Riverdale City and Chief Illum had been pushed into a corner.

Chief Illum stated he has been considering options to provide this apparatus to Riverdale City. He stated he has gone out in search of another available truck to meet the needs of this city. He discussed the need to be able to obtain access to rooftops such as Home Depot, Wal-Mart, RC Willey, Senior Center, Cherry Creek, Valley West, and any new developments.

Chief Illum stated he was able to locate a 2004 demo Seagrave Fire apparatus with a 100' aerial ladder. He stated the unit is basically new, with only 13,000 miles. He stated it has been around the country for demonstration purposes. He stated American LaFrance offered a one-year warranty, and including an additional \$10,000 cost for extension of this warranty; and the Seagrave unit comes with a 10-year warranty and limited lifetime on the aerial apparatus and paint.

Chief Illum stated the price of the Seagrave unit is \$566,514; plus a delivery charge of \$2800. He stated although it is tradition for firefighters to go back and drive their new truck home, he would rather have Seagrave assume the liability to drive the unit here. He

stated he would recommend including the \$2800 delivery fee. He clarified the difference in price between the two trucks is \$74,141. Councilor Gibby stated a 10-year warranty is a lot to receive for that extra amount.

Inquiry was raised as to the difference in equipment as provided on these vehicles. Chief Illum stated the American LaFrance unit did have extras such as breathing air on the sides, and a bucket on the front of the truck to provide for firefighter safety. He stated he was not able to find another truck like this.

Inquiry was made as to whether the new truck meets the requirements of Chief Illum. He stated this vehicle does meet all necessary requirements and will work and function nicely for Riverdale. He stated this same unit is what Salt Lake County and Weber County are currently purchasing. He stated this is a 4-year newer truck with a 10-year warranty that will still operate and do everything the other truck will do. Chief Illum stated the new truck is also 15' shorter and more maneuverable than the LaFrance unit.

Councilor Jenkins inquired as to the necessity of these "bells and whistles", with Chief Illum stating the extras on the American LaFrance unit were extras and not requirements. He stated Riverdale recently purchased a breathing air apparatus, and the only difference is that when a firefighter is on the platform for an extended period of time - they could plug into the American LaFrance unit. He stated never in career has he had breathing air on a truck.

Councilor Gibby expressed concern as to the cost of inaction, stating there are no guarantees the American LaFrance unit will come in May. Councilor Jenkins stated these types of buildings already have existed in the City - and would have gotten backup from other jurisdictions in case of fire. Chief Illum stated this interlocal agreement would continue; however, other entity units are not always available.

Chief Illum discussed a recent scenario wherein a rooftop air conditioner unit on top of RC Willey was on fire and Riverdale units could not access it. He stated he contacted South Ogden City and their truck was out on a service fire; Roy's truck was out of service and had no available manpower; and the Ogden City truck was broken down. He stated in a matter of 5 minutes, he had personally exhausted all his resources. He discussed the peace of mind associated with being self-reliant; stating interlocal agreements are great, but there are going to be times when they are unavailable to provide the necessary protection. Councilor Jenkins inquired as to whether it is common for these trucks to be broken down. Chief Illum stated unfortunately, they are older units.

Further discussion followed regarding the two different units, with Chief Illum stating he has mixed feelings. He stated although the American LaFrance is the Cadillac of trucks, they are holding him over a barrel. He stated an older truck will break down quicker than a new truck, and his choice would be to enter into agreement with Seagrave to purchase the unit and have it delivered within 2-3 weeks. He referenced other options as outlined in the Executive Summary.

Mayor Burrows expressed concerns as to the unknowns associated with tax increment issues as voiced by Mr. Hansen. Chief Illum stated indeed, he is concerned about impacts to the future budget because of these legislative issues. He stated he could choose to wait and possibly lose the Seagrave unit because it is on a first come/first serve basis. He stated the unit has been on the market for 30 days, and there has been interest. He stated if the Council does approve the purchase, he would need a \$20,000 deposit check tomorrow to hold the truck. He stated the balance would then be payable upon delivery.

Discussion followed regarding future budget impacts, with Chief Illum stating there is \$1,013,000 in the Motor Pool Fund. He stated the current Fire Department budget has set aside \$102,000 for the Motor Pool Fund; and \$52,000 of this is the last payment on Engine #41 and the remainder for payment on the new truck not yet received. He stated this unit would be set up on a 15-year lease from the Motor Pool. Chief Illum stated he feels this is a good choice to maintain the repayment schedule to allow the money to come back in to make the fund solvent.

Councilor Gibby inquired if the Council waited on the unit purchase and then did receive bad news from the legislature. He stated this may be the only chance of getting equipment, and the need would still exist. Discussion followed regarding the concept of the price increasing as time goes by. Chief Illum stated he would like to proceed and would request the City Council authorize the Fire Department to proceed with purchase of this truck; taking into consideration all fiscal responsibilities. He stated he feels it to be priority to obtain this type of apparatus to provide protection to the citizens of Riverdale and his firefighters.

Councilor Brough inquired how to make up the funding difference. Mr. Hansen stated payment works on an internal lease arrangement and would require slight adjustment. He stated it would get paid but would take longer. Councilor Jenkins discussed the need for reliable equipment yet possibly not being able to afford this caliber of truck and needing to look for an older vehicle. She expressed concern as to depleting the Motor Pool at this time; should other needs arise.

Councilor Gibby discussed attempts to interest developers in the West Bench area. He stated if this area cannot be adequately protected - whether old truck or new truck - it will be hard to entice developers into investing money in an area where they are not adequately protected. Chief Illum stated he could find a truck for \$200,000; but not a truck that is responsible and on which money will not be lost.

Further discussion followed regarding the new price on the American LaFrance being close to \$1,000,000 new. Chief Illum stated the Seagrave unit would be around \$705,000 - \$720,000. Councilor Hadden inquired if the Motor Pool capital has been earmarked for anything critical. Mr. Hansen stated there are ample funds to cover this year's projected budget as well as some upcoming fleet rotation needs. He stated the expenditure could be made utilizing Motor Pool and Fire Department funds.

Mr. Hansen stated should this decision be affirmed, it may be good for the record to show consideration in context of the bigger picture and the implications. He stated he says this

in respect of facing uncertainty relative to future General Fund revenues stream which has a direct potential bearing on the ability to fund Capital Projects to create surplus. He stated the degree of financial loss is unknown at this time; and offered comparison to a job change, cut in pay, or other benefits. He stated there is clearly a need and clearly a value and he merely wanted to reaffirm administrative discussions have started in regards to these types of material issues being included in the budget. He discussed other issues to compete for funds that may no longer be available.

Councilor Gibby stated he feels the City should take the hit now. He stated airport development and other development will become extremely important; especially in the ability to advertise to potential developers there is the ability to protect those buildings. He expressed concern as to agreeing to let those types of buildings be built without proper protection apparatus. He stated it seems like helping out the fiscal dilemma may mean being equipped to stimulate development.

Councilor Brough inquired as to whether consolidation of fire departments is being considered. Chief Illum discussed this option, stating this would cause increase tax levy to residents, property owners, etc. He stated he would not be opposed to consolidation if in the best interest for Riverdale, business owners, and residents. Mayor Burrows stated all kinds of combinations have been considered, and other cities such as South Ogden and Roy are simply not interested in consolidation. Further discussion followed regarding costs associated with consolidated district membership; and pending property tax implications as a result. Chief Illum explained an independent levy for \$6,000,000 to build new fire stations on top on tax already being paid has just been passed.

Motion: Councilor Gibby moved to approve the Seagrave fire apparatus purchase in the amount of \$569,314 (which includes delivery) and approve additional expenditure necessary to provide for the difference between the originally approved American LaFrance unit and this unit. Seconded by Councilor Hadden.

Councilor Haws inquired as to the need to adjust the budget. Mr. Hansen stated if the General Fund budget were to be changed it would have to be amended, but Motor Pool and Internal Service Funds are not necessary. He stated an adjustment to the repayment schedule will be made to start in FY2007 and calculate the net affect at that time.

Roll call vote: Councilor Haws, Yes; Councilor Jenkins, Yes; Councilor Hadden, Yes; Councilor Brough, Yes; and Councilor Gibby, Yes. The motion passed unanimously.

2006 Annual City Council Meeting Schedule

Mr. Hansen stated annual City Council meeting schedule adoption and public notice is required by law.

Motion: Councilor Haws moved to approve the 2006 Annual City Council Meeting Schedule as proposed. Seconded by Councilor Gibby. The motion passed unanimously.

Discretionary Business

Speed limit on Parker Drive

Councilor Brough expressed concern as to a potential speed trap on Parker Drive where the speed suddenly changes from 40 to 30mph. Mr. Moulding explained this is a recommendation of the Traffic Engineer once the roundabout opened up. He explained the Community Center, Fire Station, and Park all led to reasoning to slow down in this area. He stated "reduced speed ahead" signs are still in progress.

Check Register Account Inquiry

Councilor Haws inquired as to the recent payment for street signs being allocated between two different budget categories and departments. Mr. Moulding stated he can check into this issue, but perhaps it involved some streets and some capital project completion. He stated it would depend on type of sign and placement, as the roundabout project was associated with capital projects.

Snowplow Slow Response

Councilor Haws stated he was disappointed to the response of the snow storm last weekend. He stated Parker Drive was clear and salted, yet 4100 South was totally snow packed and unsalted. He stated the dip from 4300 South to 700 West was pure ice and he almost slid through the intersection. He suggested consideration of additional salting in these intersection areas.

With no further business to come before the Council at this time, Councilor Jenkins moved to adjourn the meeting. Councilor Gibby seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:52 p.m.

Attest:

Approved: January 17, 2006

Cindi Mansell, City Recorder

Bruce Burrows, Mayor