

Riverton City
REGULAR CITY COUNCIL MEETING
Minutes
November 11, 2014

Riverton City Hall
12830 South 1700 West
Riverton, Utah 84065

Attendance:

Mayor William R. Applegarth

Council Members:

Council Member Brent Johnson
Council Member Trent Staggs
Council Member Sheldon Stewart
Council Member Tricia Tingey
Council Member Paul Wayman

City Staff:

Jeff Hawker, Assistant City Manager
Joy Johnson, Deputy Recorder
Ryan Carter, City Attorney
Jason Lethbridge, Planning Manager
Trace Robinson, Public Works Director
Rod Norton, UPD

Citizens: Wyoma Darlington, Michael Johnson, Norma Bench, Rachel Hall

1. GENERAL BUSINESS

Call to Order and Roll Call

Mayor Pro Tempore Sheldon Stewart called the meeting to order at 5:30 p.m. and welcomed those in attendance. He then conducted a Roll Call and Council Members Johnson, Tingey, and Wayman were present. Mayor Applegarth was excused and Council Member Staggs arrived at 6:00 p.m.

Pledge of Allegiance – A Boy Scout directed the Pledge of Allegiance.

Presentations/Reports

Recognition of Boy Scout Troops

Mayor Pro Tempore Stewart recognized the Boy Scouts in attendance.

Public Comments

Mayor Pro Tempore Stewart explained the public comment procedure and called for public comments.

Wayne Anderson, on behalf of resident Charles Anderson, expressed concern regarding the commercial property located at 12166 South Redwood Road and said he does not feel the newly constructed building there is integrating into the neighborhood.

There were no further public comments; therefore, Mayor Pro Tempore Stewart closed the Public Comment period.

2. PUBLIC HEARINGS – There were no Public Hearings scheduled.

3. DISCUSSION/ACTION ITEMS

[6:04:19 PM](#)

1. **Resolution No. 14-67 - Acknowledging receipt and expressing support of the 2015 Tentative Budget of the Salt Lake Valley Law Enforcement Service Area and the Law Enforcement Service Plan for the areas within the Salt Lake Valley Law Enforcement Service Area**

Council Member Trent Staggs explained that as the Salt Lake Valley Law Enforcement Service Area moves forward, SLVLESA Board Members would like to share its tentative 2015 budget with the Riverton City Council. Utah State Law 17B- 2a-903 requires that SLVLESA obtain the prior consent of the municipal councils represented by SLVLESA prior to implementing a property tax adjustment. He said the Board is not anticipating a property tax increase for 2015, so SLVLESA is not asking the Riverton City Council to approve its tax levy or certified tax rate. Rather, the SLVLESA Board seeks support of the SLVLESA 2015 budget as a part of SLVLESA's ongoing commitment to openness and transparency.

Council Member Trent Staggs **MOVED** the City Council approve **Resolution No. 14-67 - Acknowledging receipt and expressing support of the 2015 Tentative Budget of the Salt Lake Valley Law Enforcement Service Area and the Law Enforcement Service Plan for the areas within the Salt Lake Valley Law Enforcement Service Area**. Council Member Trish **SECONDED** the motion. Mayor Pro Tempore Stewart called for discussion on the motion. Mayor Applegarth then called for a Roll Call Vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

2. **Resolution No. 14-68 - Approving the execution of an Interlocal Cooperation Agreement between Riverton City and The Jordan River Commission**

[5:40:06 PM](#) Ryan Carter, City Attorney, explained that The Jordan River Commission (the “Commission”) is an interlocal entity which now consists of approximately 30 members, including Salt Lake City, Salt Lake County, Sandy City, West Jordan City, West Valley City, the Governor of the state of Utah, and the Jordan Valley Water Conservancy District. Each member is also entitled to a membership seat on the Governing Board of the Commission, and each member is entitled to one vote on the official business which comes before the Board. The Governing Board is supported by the technical expertise from over 40 different offices, which include engineering firms, planning departments and the Utah Division of Water Resources.

Mr. Carter said that, in addition to the aforementioned governmental entities, membership includes a number of nongovernmental entities which include for-profit corporations and

businesses. These nongovernmental entities are entitled to the same membership on the Governing Board (and associated voting rights), which creates a legal problem within the structure of the Interlocal Agreement itself.

Mr. Carter said the stated objective is of the Commission to restore and protect the Jordan River from Utah Lake to the Great Salt Lake, using “an implementation plan to turn the neglected river corridor into a defining amenity for our region.” The implementation plan is named the Blueprint Jordan River (“Blueprint”). The Blueprint was completed in December of 2008, following a series of public meetings which garnered the input of approximately 3,000 residents and local technical experts.

Mr. Carter said the Commission and its Blueprint is intended to capture the collective imagination of residents and to build an appreciation for the important environmental, social, and economic role the river has played and can play in our region. The Blueprint conveys what it describes as “Big Ideas” that are possible for the Jordan River and lays out a framework for how those may be implemented over the coming decades.

Mr. Carter said the stated objectives of the Blueprint include:

- Contiguous Lake-to-Lake Blue-Green Trail – completing the approximately 45-mile Jordan River Parkway trail and removing obstacles to boating the entire river corridor
- Open Space Preservation and a 20-mile Linear Nature Preserve
- Regional and Neighborhood River Centers – mixed-use villages at developed areas that may include housing, restaurants, river-oriented shops, and small offices
- Enhanced Regional Access – tying the Parkway to transit, bicycle routes, and improved parking
- Environmental Education

He said the District has also created a guidebook of best management practices which it encourages its members to adopt as a means to achieving the “big ideas” described in the Commission’s Blueprint. These best management practices include land use ordinances which protect habitat within specified distances from the banks of the Jordan River.

Mr. Carter explained that membership also includes annual payment of a membership fee, which is established according to a formula to be determined by the Commission’s Governing Board. Riverton City’s membership fee would equal an amount less than \$5,000.00.

Mr. Carter explained the agreement was formulated under the statutory framework of the Interlocal Cooperation Act, Utah Code, Title 11, Chapter 13. The Interlocal Cooperation Act rests on the premise that “Any power, privilege, or authority exercised or capable of exercise by a **Utah public agency** may be exercised and enjoyed jointly with any other **Utah public agency** having the power, privilege, or authority.” Utah Code Ann. § 11-13-201 [Emphasis added]. The Interlocal Cooperation Act defines a Public Agency to mean: (a) a city, town, county, school district, local district, special service district, or other political subdivision of the state; (b) the state or any department, division, or agency of the state; (c) any agency of the United States; (d) any political subdivision or agency of another state or the District of Columbia Utah Code Ann. § 11-13-103.

Mr. Carter further explained the Interlocal Cooperation Act does not define a Public Agency to include a number of the “ex officio” members who are presently members of the Governing Board. This presence of “ex officio” members on the Governing Board means that governmental entities are sharing their respective powers with nongovernmental entities through the execution of the enclosed Interlocal Agreement, the joint decision making of Governing Board members, and through the day to day operations of the Commission. This is a legal flaw to the agreement because the Interlocal Cooperation Act does not authorize public agencies to jointly exercise their statutory powers with nonpublic agencies under the Interlocal Cooperation Act. However, when viewed as a voting bloc of the overall membership on the Governing Board (which they may not be), the “ex officio” members amount to a total of ten members on a 30-member Governing Board (31 if Riverton City is included). It is also true that upon dissolution of the entity, any assets or properties held by the Commission are to be distributed equitably among board members. Thus “ex officio” members may receive a distribution of real property which was purchased solely with taxpayer funds.

Mr. Carter said that any decision of the Governing Board likely won’t be rendered unenforceable, assuming it is challenged as ultra vires, unless the votes of some or all of the “ex officio” members serve as a tipping point for any Board decision. Any time a decision is rendered by majority of the Governing Board without counting the votes of the “ex officio” members, said decision may not be challenged on ultra vires grounds. Also, the Interlocal Agreement requires the Commission to indemnify and defend Riverton City against any suits brought against the Commission.

Mr. Carter said that, although the Agreement shall remain in effect for a term of 50 years from the year 2010, Riverton City may withdraw from the Commission, “if the governing body of the Member gives written notice of its intent to withdraw from the Governing Board of the Jordan River Commission not less than thirty days after the annual budget and dues structure is established for the following fiscal year.” It appears the agreement should read “not less than thirty days before” the annual budget and dues structure is established for the following fiscal year. Nonetheless, Riverton City can withdraw from the agreement before it formally expires if it is dissatisfied with the Governing Board’s decision-making.

Council Member Tricia Tingey **MOVED** the City Council approve **Resolution No. 14-68** - **Authorizing the execution of the Interlocal Cooperation Agreement between the Jordan River Commission and its associated members, as identified in the Council Packet.** Council Member Brent Johnson **SECONDED** the motion. Mayor Pro Tempore Stewart called for discussion on the motion; there being none, he called for a Roll Call Vote. The vote was as follows: Johnson-Yes, Staggs-Excused, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

4. CONSENT AGENDA

Mayor Pro Tempore Stewart presented the following Consent Agenda:

1. **Minutes:** RCCM 10-21-14
2. **Bond Releases:** N/A
3. **Ratification of Ordinance No. 14-18** – Amending Sections 18.85.090 18.187.10, and

- 18.187.20, including ‘Title Loan’ Businesses in the current ordinances regulating Check Cashing Businesses, revisions proposed by Riverton City
4. **Resolution No. 14-69** - Ratifying the purchase of Picnic Tables and Park Benches from Sonntag Recreation that are to be installed at the Main City Park
 5. **Resolution No. 14-70** - Authorizing the City to purchase Parcel 27-30-152-001 of the Harvest Creek Subdivision
 6. **Ordinance No. 14-22** – Vacating a portion of a public street known as 1500 West in Riverton City, Utah

Council Member Paul Wayman **MOVED the City Council approve the Consent Agenda with the corrected typo as listed.** Council Member Brent Johnson **SECONDED** the motion. Mayor Pro Tempore Stewart called for discussion on the motion; there being none, he called for a Roll Call Vote. The vote was as follows: Johnson-Yes, Staggs-Excused, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

5. STAFF REPORTS

1. **City Manager Lance Blackwood** – No reports.
2. **Safety Training** – No report.

6. ELECTED OFFICIAL REPORTS

Mayor Bill Applegarth – excused

Council Member Brent Johnson – said he was pleased with the participation that he has received from the Riverton residents regarding the newly proposed culinary water choice issue. He said the open houses and information that staff has prepared has been outstanding. He then spoke of a fund raiser for a young girl in his neighborhood and asked the residents for support in her behalf.

Council Member Trent Staggs – reported that he was part of a community cleanup effort for the Jordan Parkway on October 25, 2014. He then thanked Riverton City Staff for their outstanding professional efforts regarding construction projects in his area.

Council Member Sheldon Stewart – reported that there is a group of 10-15 young people who have been causing some property damage in neighborhoods. He also reported on a recent fatal accident that occurred at 13100 South and 5600 West.

Council Member Tricia Tingey – expressed her concern that residents were passive regarding the upcoming culinary water issue. She said she hoped all Riverton residents would become informed and participate in the important decision. It was suggested that the electric message boards be used in strategic locations in the City reminding citizens to use the ballots and vote. She then asked about the trees in Canyon View Park that were removed and asked if new ones were being planted.

Council Member Paul Wayman – No report.

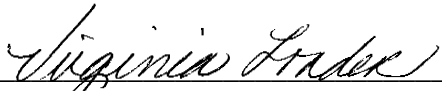
7. UPCOMING MEETINGS

Mayor Pro Tempore Stewart reviewed the following upcoming meetings:

1. November 18, 2014 – 5:00-9:00 p.m. – 2nd City-wide Open House re. Water Option – *City Hall*
2. December 2, 2014 - 6:30 p.m. – Regular City Council Meeting
3. December 16, 2014 – 6:30 p.m. – Regular City Council Meeting
4. January 6, 2015 – 6:30 p.m. – Regular City Council Meeting

8. ADJOURN

6:15:48 PM Council Member Brent Johnson **MOVED to adjourn the City Council Meeting.** Council Member Trent Staggs **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a vote. The vote was as follows: Council Member Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.** Mayor Pro Tempore Stewart declared the meeting adjourned 6:16 p.m.



Virginia Loader, MMC
Recorder

Approved: 12-02-14