

Riverton City
REGULAR CITY COUNCIL MEETING
Minutes
June 2, 2015

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, Asst. City Manager
Virginia Loader, Recorder
Ryan Carter, City Attorney
Jason Lethbridge, Planning Manager
Trace Robinson, Public Works Director
Sheril Garn, Parks & Public Services Director
Lisa Dudley, Finance Director
Rod Norton, Chief UPD Riverton Precinct
Erik Sandstrom, UFA
Angela Trammel, Communications Manager

Citizens: Michael Johnson, Wyoma Darlington, Riverton Summerhill Young Women Group, Angela Jenkins, Coleman Family, Kent Bishop-Tithing Hill Condos, Matthew Young, Pam I., Hugh Parker, Kody Pierce

1. GENERAL BUSINESS

1. Call to Order and Roll Call.

[6:31:00 PM](#) Mayor Applegarth called the Riverton City Council Meeting to order at 6:30 p.m. and conducted a Roll Call.

2. Pledge of Allegiance - [6:32:01 PM](#) Erik Sandstrom

3. Presentations/Reports

4. Recognition of Boy Scout Troops – N/A

5. Riverton Choice Awards for Excellence in Education – Rose Creek Middle School

[6:32:53 PM](#) Council Member Brent Johnson presented the Riverton City Choice Awards for Excellence in Education to the following individuals selected from Rose Creek Middle School:

Halle Taylor, Jon Coleman, and Ms. Angie Jenkins.

6. Introduction of Nicole Plenert, Principal of JATC South Campus.

[6:41:27 PM](#) Mike Anderson, Jordan School District Board Member, introduced Nicole Plenert, Principal of the Jordan Academy for Technology and Careers, (JATC). He said the facility formerly served as the Garden Lodge and was being converted to an educational and community facility. Ms. Plenert commented on the school and the various programs it offered. She said an Open House would be held in August 2015 with a dedication in September 2015.

Council Member Tricia Tingey commented that three of her four children had gone through the program and she expressed her support for the program.

[6:47:23 PM](#) The Riverton Arts Council cast of the play Footloose performed a musical number. Members of the Riverton Arts Council expressed their appreciation to the City for its support of the Arts Council over the past 31 years. It was reported that many of the Arts Council alumni have gone on to successful careers in the performing arts and many have received college scholarships.

7. Public Comments.

[6:57:11 PM](#) Mayor Applegarth invited public comment.

[6:58:08 PM](#) Karol Haney, 20-year resident, spoke about the Landscaping Ordinance. She said she began working with Councilman Trent Staggs when the home next to her changed ownership, which went from a beautifully landscaped, well-maintained property to one that was full of weeds. She spoke with Ordinance Enforcement Officer Bill Salmon and he told her that the ordinance was somewhat vague and if property owners were cited but mowed their yards they would be in compliance. She said she felt changes were needed to the landscaping ordinance.

Ms. Haney presented photos of continually unkempt homes in her neighborhood and said that when neighborhoods were rundown they became a target for crime. Ms. Haney said she collected and compared ordinances from other cities and she preferred Herriman City's ordinance; she then read excerpts from it. Ms. Haney encouraged the Council to give serious consideration to changing the current landscaping ordinance. She expressed appreciation to Council Member Staggs for taking her comments seriously and for his efforts.

There being no further public comments, Mayor Applegarth closed the public comment period.

2. PUBLIC HEARINGS

- 1. Public Hearing - Ordinance Amendment, Amending Section 18-55, RM-12, to RM-14 A Multi-Family Residential Zone allowing a maximum 14 Units Per Acre for the Riverton City Downtown Area, amendments proposed by Riverton City.**

2. **Public Hearing - Rezone, Rezoning Approximately 12 Acres located at approximately 13600 South Hamilton View Road from C-R (Commercial Regional) to RM-14 (Residential Multi-Family 14 Dwellings per Acre), Rosecreek Crossing LLC, Applicant.**

7:05:12 PM Planning Manager Jason Lethbridge explained proposed amendments to the Riverton City ordinance that would create and RM-14 Zone, which was a multi-family zoning designation with a maximum of 14 units per acre. He said there was currently a 14 units per acre zone that was tied specifically to the downtown area, which was very similar to that ordinance. The proposed amendment would establish a density of 14 dwelling units per acre. Mr. Lethbridge said the Planning Commission forwarded the matter to the Council with a recommendation for approval. He said the matter was triggered by Item No. 2.2 listed above, which was continued to the next meeting. As a result, staff recommended the ordinance amendment also be continued to the June 16, 2015, meeting to allow further notification to those affected by the proposed ordinance amendment.

Council Member Sheldon Stewart requested that native vegetation be defined at that meeting and **MOVED to continue Items 2.1 and 2.2 to the June 16th City Council Meeting.** Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he 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.**

3. **Public Hearing - Amending Sections 18.190.080.2, 18.190.090.11, 18.190.110 and 18.190.120 Home Occupations, Addressing Allowed Homes Business Types/Activities, Amendments proposed by Riverton City.**

7:10:24 PM Planning Manager Jason Lethbridge explained that Riverton City currently had an ordinance addressing home occupations found in Section 18.190 of the Land Use Code. He said the ordinance listed, among other standards, types of home-based businesses designated as permitted, conditional, or prohibited. One of the sections proposed to be added to the ordinance pertained to a conditional use permit that had been revoked. The language specified that there would be a period of one year before an application would be accepted for reconsideration after revocation. As part of the reapplication a cash bond would be required to address the cost of enforcement and processing. At the previous City Council Meeting concerns were raised about how the bond would be structured and whether there would be an allowance for reapplication after a permit was revoked.

7:12:24 PM City Attorney Ryan Carter explained that when the language was originally proposed to the Council, the thought was that an applicant who had a permit revoked should go at least one year before reapplying. He conducted research and stated that was an obscure area of land use law and he found that some liability could be attached to the City for permanent debarment. He then referenced specific case law. Mr. Carter said that once an applicant had received a revocation for a Conditional Use Permit, they could not reapply for a period of one year rather than a permanent debarment. If they reapplied, they would be required to submit a \$1,000 cash bond to cover the City's costs. The bond would be held indefinitely by the City as a guarantee against further problems associated with the use. Mr. Carter recommended the bond and said he considered it a good preventative measure against future problems.

Council Member Sheldon Stewart asked about a bond versus a fee to absorb the costs. Mr. Carter stated that, as a general rule, the business licensing fees were attached to an expense; and, if a person who had gone through revocation reapplied, the bond was to cover costs associated with future violations.

[7:18:39 PM](#) Council Member Paul Wayman asked about the level at which revocation would occur.

[7:19:09 PM](#) Mr. Carter explained that the Planning Commission would impose conditions of approval on conditional use permits that were reasonably calculated to protect the health, safety, and welfare of the surrounding community. If the Planning Commission had reason to believe that an applicant had violated the terms of the conditions imposed, the applicant would be brought back before the Planning Commission for a hearing, at which time a determination would be made about whether to revoke the conditional use permit. He said staff's role was to ensure compliance with the conditions of the conditional use permit. Revocation only comes after staff has worked with the applicant/violator on additional occasions in an effort to bring them into compliance. If an applicant was not in compliance by the time the matter goes before the Planning Commission, revocation should then be a viable option. He said if the applicant disagreed with the decision, they could take the matter to the District Court, who could determine whether the action taken was lawful. The process of revocation would be documented and the applicant would be aware that they were out of compliance and of the resulting consequences.

[7:27:10 PM](#) Concern was expressed by Council Member Sheldon Stewart in regards to increasing the fee. Mr. Carter stated that the fee resolution could establish a fee. He gave a specific example and stated that costs were incurred to the City in the process. He recommended a fee be imposed at the time of reapplication and abandonment of the bond.

[7:30:05 PM](#) In response to a question raised by Council Member Tricia Tingey about how the bond would be held, Finance Director Lisa Dudley explained that the City held several cash bonds that were kept in a liability account. The intention was for the bonds to be released once all stipulations were met. In the case of a revocation, the bond would be held as long as the business remained open, at which time it would be refunded.

[7:31:14 PM](#) Council Member Paul Wayman spoke in favor of having the fee included in the fee schedule and collected in the event the City goes through the process of a successful revocation; however, if the revocation was unsuccessful, the fee would not be collected.

[7:32:50 PM](#) On May 5, 2015, the City Council continued the Public Hearing to June 2, 2015; therefore, Mayor Applegarth opened the Public Hearing and called for public comments. There being none, Mayor Applegarth closed the Public Hearing.

4. **Ordinance No. 15-07 – Amending Sections 18.190.080.2, 18.190.090.11, 18.190.110 and 18.190.120 Home Occupations, Addressing Allowed Homes Business Types/Activities**

7:34:02 PM Council Member Sheldon Stewart **MOVED** to adopt **Ordinance No. 15-07** - amending Sections 18.190.080.2, 18.190.090.11, 18.190.110, and 18.190.120 to read as described in Exhibit “A”, with the following amendments:

1. **A separate standard shall be set for the permits that have been denied to allow time for reformulating the application for resubmittal to the Commission.**
2. **In place of the proposed bond, a fee shall be assessed for successful revocation of a Conditional Use Permit.**

Council Member Trent Staggs **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. **7:34:50 PM** Mr. Carter clarified a concern raised by the Planning Commission in the instance where a conditional use permit was denied and the ordinance required them to wait one year before reapplying. He said concern was expressed that there may be a circumstance where someone was denied but could relatively quickly address potential concerns. Council Member Trent Staggs’ said his understanding was that an applicant could correct the situation and then ask to be reinstated at the next meeting after paying the necessary costs. Mr. Lethbridge said that was reasonable, that someone might submit a new application that had been modified that made it easier to comply with. However, if an applicant got feedback from staff and the public and there was a chance of denial, they could pull the application before it went through the formal process, make modifications, and resubmit something they were more confident would go through the process. Mayor Applegarth then called for a Roll Call Vote. The vote was as follows: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

5. Public Hearing - Proposed Compensation for Elective and Statutory Officers and all other Municipal Officers for Fiscal Year 2015-2016.

7:38:34 PM Mayor Applegarth explained that, in accordance with Utah Code 10-3-818 - Salaries in Municipalities, a Public Hearing was required when changes were proposed to the Compensation Schedule for Elective and Statutory Officers and all other Municipal Employees. He said that the proposed Compensation Schedule addressed a minimal increase to the City Council’s Salary to meet Utah Retirement requirements.

7:44:27 PM Mayor Applegarth opened the Public Hearing and called for public comments; there being none, he closed the Public Hearing. He reported that Council action regarding the Compensation Schedule would be taken on June 16, 2015.

6. Public Hearing - City Council’s Tentative Budget for Fiscal Year 2015-2016.

7:45:09 PM Mayor Applegarth briefly explained the budget process, which began with the City Council’s Strategic Plan. He said the City Council was presented with the Mayor’s Budget on May 5, 2015 and during the month of May the Council met to discuss and make changes to the budget.

Mayor Applegarth explained that June 2 was the first of two Public Hearings scheduled to receive comments regarding the FY 2015-2016 Tentative Budget and that the second and final Public Hearing would be held on June 16. The Mayor’s Tentative Budget had been available to the public on the City’s website, the Council’s Budget was available on the City’s website and it

had been available in hard copy form in the Finance Department and in the Recorder's Office. He said that no action would be taken on the FY 2015-2016 Budget until after the second Public Hearing on June 16.

7:47:42 PM Mayor Applegarth opened the Public Hearing and called for public comments.

7:48:20 PM Kent Bishop, immediate past president of the Farms at Tithing Hill HOA, stated that ROI Hardy Park and Tithing Hill Park were developed previously and contributed to the City by their HOA, but they were currently maintained by the City. He referred to a memo to the Mayor and City Council from Andrew Aagard dated October 23, 2012, regarding the condition of trees in ROI Hardy & Tithing Hill Mini Park. Mr. Bishop said that there were 75 trees in their area and only 35 trees had survived. He inquired about a budget for tree replacement and said that last year \$23,000 was allocated for tree maintenance with only \$10,000 allocated for 2015-2016.

Mayor Applegarth explained that the \$10,000 remaining in the Tree budget was meant to be for large common areas that were not part of an individual Council District. Monies from other parts of the budget were put into a Capital Facilities Fund for each Council Member and the amount currently set aside was \$25,000 for each Council District. He said that the districts had varying needs and it would be the responsibility of the Council Member from that district, along with citizens from the district, to determine how to spend that money. He also said that funds were proposed in the budget to hire an Urban Forester whose sole responsibility would be to plant, maintain, and care for trees within the City. It was noted that there were in excess of 3,300 trees in Riverton.

Mr. Bishop then commented on their need for a watering system and stated that there had been confusion among the arborists as to the type of system needed.

7:52:04 PM There being no further comments, Mayor Applegarth closed the Public Hearing.

7:58:57 PM Council Member Tingey stressed the importance of keeping the Urban Forester in the budget. She proposed the following budget changes that would allow for the hiring of an Urban Forester and eliminate the need for an increase in the sanitation fees:

1. A funds transfer for a pedestrian walkway was removed from the budget in the amount of \$53,560.
2. Line Item 10-40-700 - Council Directed Projects - reduced from \$125,000 to \$75,000, adding an additional \$50,000 to the budget.
3. Line Item 10-45-310 - Prof & Tech Audit – reduced from \$20,000 to \$18,000, adding an additional \$2,000 to the budget.
4. Line Item 10-47-240 – Office Supplies – reduced from \$11,000 to \$9,000, adding an additional \$2,000 to the budget.
5. Line Item 10-48-485 - Gasoline – reduced from \$80,000 to \$70,000, adding an additional \$10,000 to the budget.
6. Line Item 10-59-512 – Vehicles – reduced from \$25,000 to \$22,000, adding an additional \$3,000 to the budget.

Council Member Tingey stated that the above items totaled \$120,560, which covered the cost of the fee needed for trash collection.

[8:02:39 PM](#) Mayor Applegarth said that throughout the City, with the exception of areas with private trash collection, the cost of the first tote was \$1 and the second was \$5, and the remainder was funded out of the General Fund. He said the Mayor's Budget proposed to increase the cost of the first tote by \$2 for a total of \$3, and Council's Budget kept the first tote at \$1 and increased the second tote from \$5 to \$8.

Council Member Tingey said the revenue stream would total \$120,000 per year. By keeping the sanitation fees as they were, she said the suggested budget cuts would keep the remaining budget unchanged.

[8:04:18 PM](#) Council Member Sheldon Stewart commented on gasoline costs and brief discussion was held regarding Council Member Tingey's budget proposals.

[8:07:23 PM](#) Council Member Staggs said he was encouraged that they identified ways to transfer more from General Fund revenues to offset or eliminate the need for an increase in sanitation fees. He explained that he voted against the Council directed projects in order to balance the sanitation budget and that he also voted against the Urban Forester position. He said that now Riverton City was part of the Jordan River Commission (JRC), they had access to their resources. He also recommended the formation of a Tree Board that could assist with the duties of the Urban Forester position.

[8:14:54 PM](#) Following further discussion, Mayor Applegarth asked for a consensus of the Council to remove from the budget any fee increase in the Sanitation Fund. All of the Council Members agreed.

[8:16:25 PM](#) Mayor Applegarth asked for a consensus of the Council Members regarding the proposed budget reductions presented by Council Member Tingey, which would eliminate the need to raise Sanitation Fees. All of the Council Members agreed.

[8:16:59 PM](#) Council Member Wayman expressed concern regarding Fund 45-69-126 - Vehicle Replacement Plan and discussion was held. He then recommended putting \$40,000 back into Council-directed projects and retain the vehicles for at least three years to maximize the return.

[8:25:07 PM](#) Mayor Applegarth said that the funds were in the General Fund and could not be moved elsewhere in the General Fund budget. Ms. Dudley explained that was a general governmental function and the purchase of vehicles was not in the General Fund but they were in the Capital Improvements Fund and it would not be possible to put money back into the Council-directed project funds because that transfer was eliminated.

[8:26:29 PM](#) Discussion continued and Mayor Applegarth said that vehicle replacement was more of a philosophical decision than a financial decision and they should be looking at the vehicle policy regarding resale.

[8:34:15 PM](#) Public Works Director Trace Robinson said there had already been discussion of a three-year option and the policy was changed at that time. He said once three years passed, the warranty would expire and they would have to hire a mechanic.

[8:36:30 PM](#) Council Member Johnson **MOVED to keep Fund 45-69-126 as it is.** Council Member Staggs **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. [8:36:54 PM](#) Council Member Wayman commented on vehicle replacements and brief discussion continued. Mayor Applegarth then called for a Roll Call Vote. The vote was as follows: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-No. **The motion passed 4-to-1.** Council Member Wayman asked for a detailed analysis.

3. DISCUSSION/ACTION ITEMS

1. **Multi-Family Site Plan, The Meadows on Park Avenue, 2053 West 12600 South, South, RM-14-D Zone, 121 Units, 8.65 Acres, Brad Reynolds Construction, Applicant**

[8:43:17 PM](#) Planning Manager Jason Lethbridge explained that Brad Reynolds Construction submitted an application requesting approval of a multi-family residential site plan proposed to be located at 2053 West 12600 South. He said the property was zoned RM-14-D (Residential multi-family 14 units per acre Downtown) and the property to the north was zoned C-D (Commercial Downtown) and was currently occupied by various commercial activities. He said to the east property was zoned C-D, which was utilized as a technical school facility operated by the Jordan School District. The property to the south was zoned C-D and C-D EHOV (Commercial Downtown with Elderly Housing Overlay) and the property to the west was zoned R-4 (Residential 10,000 square foot lots).

Mr. Lethbridge explained that the applicant proposed to construct 121 residential units on approximately 8.65 acres with an access onto Park Avenue to the east. He said the access would be shared with the existing United States Post Office located immediately to the south. The applicant proposed 102 garden-style units composed of six 12-unit buildings and five six-unit buildings and with 19 townhouse style units located near Park Avenue. He said a clubhouse and swimming pool would also be constructed as part of the proposed development. The one-acre parcel located to the north east was remaining commercial and would not be developed as part of the development.

Mr. Lethbridge reported that on May 14, 2015, the Planning Commission voted to recommend approval of the application subject to following conditions:

1. Storm drainage systems and accommodation comply with Riverton City standards and ordinances, and with the recommendations of the Riverton City Engineering Division.
2. An interim storm drainage and erosion control plan and an access management plan be approved by the City prior to any construction or grading on the site.
3. The site and structures comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
4. Eight foot solid core concrete masonry fencing installed along the west, south and south east property lines. Six foot solid core concrete masonry fencing installed along the northern property line adjacent to 12600 South.
5. A total of 25% of all building exterior surface shall be contained in brick or stone.
6. Submitting an acceptable SMP and covenant to maintain.
7. Applicant signature on the irrigation master plan.

8. Recording an easement for the irrigation pipeline on the west side of the property.
9. Submitting 4 sets of drawings for construction.

[8:49:17 PM](#) In response to Council Member Wayman's question regarding fencing heights, Mayor Applegarth explained that an eight-foot fence was desired by the residents. He said that normally a six-foot fence was required along a streetscape. It was noted that ultimately there would be eight-foot solid masonry fencing everywhere except 12600 South.

[8:51:29 PM](#) The developer commented on the elevation difference between 12600 South and the project and he said their project would sit up higher by a couple of feet on the 12600 South and Park Avenue sides.

[8:54:30 PM](#) Council Member Wayman **MOVED that the City Council approve The Meadows on Park Avenue Multi-family Site Plan located at 2053 West 12600 South, Application #PL-15-8004, with the conditions set forth in the Staff Report.** Council Member Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; [8:55:06 PM](#) Council Member Staggs expressed appreciation to the applicant for building a good project and then explained that he voted against the rezone because he felt it was the last best hope for the City in creating a walkable downtown, which has since been moved to the area in front of the park. Mayor Applegarth called for a Roll Call Vote. The vote was as follows: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, Wayman-Yes. **The motion passed unanimously.**

2. **Multi-Family Site Plan, Amended Multi-Family Site Plan, Riverton Peaks Phase 1, 12700 South Redwood Road, RM-14-D Zone, 70 Units, 6.4 Acres (Approx.), Newman Construction, Applicant.**

[8:56:06 PM](#) Planning Manager Jason Lethbridge explained an application for Amended Site Plan approval for the Riverton Peaks Multi-Family Project. He said the project originally consisted of 88 units on approximately 6.4 acres located at 12700 South Redwood Road. He said the property was zoned RM-14-D, a multi-family zone with a maximum density of fourteen (14) units per acre. The surrounding property to the north was Commercial Downtown and the property to the south was zoned RM-14-D, but currently occupied by the Riverton Hardware Store. He said the properties to the west across Redwood Road included a mix of RM-8-D and Commercial Downtown and the property to the east across 1630 West was zoned RR-22. The only property line shared directly with an incompatible use was the south line adjacent to the Riverton Hardware property.

Mr. Lethbridge stated that the original design included a mix of detached units, traditional townhome style units, and a clustered attached design that created a courtyard surrounded by units. Following the original approval, the applicant proposed amending the layout and unit mix, eliminating the courtyard-oriented units and switching the majority of the site to a more traditional townhome style unit. He said the detached single-family units on 1630 West had been modified to duplex units, but with the garage access interior to the site rather than accessing directly from 1630 West. Mr. Lethbridge indicated that the proposed amendments resulted in a reduction in units from 88 to 70, which would reduce the traffic flows on 1630 West. The architectural styles were similar to those originally approved, but he said they were more traditional in terms of design and materials.

Mr. Lethbridge reported that on May 28, 2015, the Planning Commission voted to recommend approval of the amended Site Plan Application subject to the following conditions:

1. The amended application shall comply with all applicable conditions, including fencing requirements, from the original site plan approval, with original conditions as follows:
 - a. Solid masonry fencing shall be installed along the south property lines at a minimum eight (8) feet in height.
 - b. Building architecture shall comply with approved architectural drawings as well as the architectural requirements found in the RM -14 -D zoning ordinance, including the requirement for twenty-five (25) percent of the exterior to be brick or stone.
 - c. Road and right-of-way improvements to Redwood Road shall comply with the standards and requirements of the Utah Department of Transportation and all UDOT permits required for that road shall be secured prior to construction.
 - d. Landscaping within the project boundaries shall comply with the approved landscaping plan, and be wholly maintained by the Home Owners Association or property owners.
 - e. The site and associated infrastructure shall comply with the requirements and standards of the Riverton City Engineering Department, and no construction shall commence until final technical approval has been granted based on required submittals.
 - f. The site and structures shall comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
2. The area outside of Phase 1 shall be maintained in compliance with Riverton City's standards and ordinances, including weed abatement.
3. A separate application shall be made for Phase 2 of the development conforming to the amended layout.

9:02:03 PM Council Member Tingey **MOVED** that the City Council approve the Amended Riverton Peaks Phase 1 Development, a Multi-Family Site Plan, to be located at 12700 South Redwood Road subject to the conditions outlined in the Staff Report. Council Member Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. Mayor Applegarth then called for a Roll Call Vote. The vote was as follows: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

3. **Final Commercial Site Plan, American Curb Cut Studio, 12472 South 3670 West, C-R Zone, Kody Pierce, Applicant.**

9:03:45 PM Planning Manager Jason Lethbridge explained that Kody Pierce submitted an application requesting final commercial site plan approval for property located in the Spring Creek Commercial Development at 12472 South 3670 West. He said the property was currently zoned C-R (Commercial Regional) as were all of the surrounding properties. To the north of the proposed site was the Utah Sports Lodge complex and to the south was the Delton Lanes Entertainment Center. He said the properties to the east and the west were vacant.

Mr. Lethbridge reported that the applicant proposed to construct a multi-use building that would include a 3,500 square-foot dance studio and a 15,000 square-foot warehouse space that would be used for pole vaulting and other track and field-related training exercises. He said a total of 41 parking spaces would be provided with eight stalls for the warehouse portion of the building and 33 stalls for the dance studio.

Mr. Lethbridge reported that on May 14, 2015, the Planning Commission voted to recommend approval of the Site Plan Application subject to the following conditions:

1. Storm drainage systems and accommodations shall comply with Riverton City standards and ordinances, and with the recommendation of the Riverton City Engineering Division.
2. An interim Storm Drainage and Erosion Control Plan and an Access Management Plan shall be approved by the City prior to any construction or grading on the site.
3. The site and structures shall comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
4. Lighting, both on the building and in the site shall be designed and installed to minimize impacts to the surrounding properties.
5. Any and all rooftop mechanical equipment shall be fully screened from view from the road way and surrounding properties.
6. Complete an acceptable O & M plan for post-construction storm water controls.
7. Submit three additional sets of drawings for distribution.
8. The southeast access point shall be moved from the corner.

[9:08:12 PM](#) Council Member Johnson concurred with the Planning Commission on the location of the ingress/egress.

Questions were raised with respect to the amount of parking and it was suggested that possible solutions be sought. Mr. Lethbridge stated that staff had worked with the developer to maximize the amount of parking available on the site.

[9:14:40 PM](#) Mr. Pierce stated that the issue was addressed with several members of staff and said that the V-triangle was not as serious of an issue as it appeared. He said his preference was to keep the design as-is rather than go to the expense of redesigning it. He said he was frustrated with the amount of time it had taken for his project.

[9:21:36 PM](#) Mr. Robinson commented on safety issues and stated that, at the present speed, a sight distance of 125 feet was required, but as long as the vegetation on the corner was kept below three feet the concern would be addressed.

[9:22:32 PM](#) Following further discussion, Council Member Stewart **MOVED that the City Council approve the American Curb Cut Final Commercial Site Plan, Application #PL-15-8003, located at 12472 South 3670 West, with the conditions set forth in the Staff Report, striking Number 8, specifying that within the site triangle no plantings shall be higher than ground level, and no parking shall be allowed.** Council Member Staggs **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; [9:23:12 PM](#) Council Member Wayman commented that he thought the proposal would work better than originally proposed. Mayor Applegarth called for a Roll Call Vote. The vote was as follows: Council Members

Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

4. Discussion of Landscape and Sign Enforcement Ordinances.

[9:23:40 PM](#) Assistant City Manager Jeff Hawker explained that in a previous City Council Meeting Council Members Wayman and Staggs requested discussion of the City's landscape and sign enforcement ordinances; however, Council Member Wayman requested that discussion of the Sign Enforcement Ordinance be deferred to a future meeting so it could be addressed in more detail.

[9:24:40 PM](#) Mr. Hawker explained that staff desired to execute the wishes of the City Council and asked for direction from the Council regarding the landscaping ordinance.

[9:25:18 PM](#) Council Member Stewart reported that there was a similar issue in his area of the City and in that instance, the landscaping ordinance inhibited them because of other concerns that arose. He agreed that the Council should review ordinances from other cities and determine how they could be crafted to be enforceable and still beautify the area.

[9:26:19 PM](#) Mr. Hawker suggested that, as the landscaping ordinance was discussed, the City Council be mindful of language the City could use that would be successful in court, enforcement issues and other options. He said that once an issue went to court the City would have no control over the pace of a case.

[9:31:57 PM](#) Mr. Lethbridge stated that concerns were raised with respect to verbiage where the ordinance may not address situations staff had encountered. He said the basic standard was to allow vegetation to be six inches above the ground with property being kept clean. Reference was made to vegetation growing in an uncultivated state and Herriman City's and South Jordan City's standards were referenced. He said Riverton's ordinance seemed to be consistent with the other cities but additional language could be considered to add more specificity.

[9:34:14 PM](#) Council Member Staggs requested additional language that mirrored more closely the Herriman and South Jordan ordinances and that would require properties be mowed, groomed, trimmed, pruned, and virtually free of weeds and other volunteer plants. Fee issues were discussed and he suggested the fees be identified as first, second, and third offenses.

[9:36:07 PM](#) Mr. Carter addressed enforcement and said that one option would be to criminalize violations, with the advantage being a quicker response and the disadvantage being that people could be ill equipped to maintain their properties. He then described civil enforcement and recommended that standards be very specific.

[9:44:18 PM](#) Mayor Applegarth said that any standard could be imposed by the elected officials that they desire; however, he said enforcement was key.

[9:48:33 PM](#) Mr. Carter agreed to prepare a draft ordinance based on Herriman City's ordinance for the City Council's consideration and present it to the Planning Commission for their recommendation.

[9:48:49 PM](#) Council Member Wayman spoke of snow removal and said he was aware of people who received notice for not removing snow but others nearby did not. He said those who received notices were very unhappy because it was classified as a criminal offense. He said that in contrast there were times when the City did not have sidewalks cleared for joggers by 9:00 a.m. He thought the community should work together and address the problems that exist.

[9:50:32 PM](#) Mayor Applegarth replied to the statement about snow removal in the City and stated that City crews sometimes begin work at midnight. Complaints about sidewalks not being cleared involve an interior park sidewalk, which the Mayor said was the last priority. Sidewalks and roads for schools are cleared first, along with major thoroughfares. The Mayor suggested that the ordinance and enforcement be separated. He said the Council's responsibility was to define the level they desire and then enforce to that level.

[9:52:38 PM](#) Council Member Johnson agreed that everyone wanted the City to look nice. He considered well maintained yards a return on investment and those who maintain their properties should not be negatively impacted by those who do not.

[9:53:46 PM](#) Mayor Applegarth said that much of the preparation could be done by staff who would review landscape ordinances from other cities and determine how Riverton City could craft them to be enforceable, which would then be presented in July.

4. CONSENT AGENDA

[9:54:53 PM](#) Mayor Applegarth presented the following Consent Agenda:

1. **Minutes:** RCCM 05-12-15
2. **Bond Releases:**
 1. Beck Estates – 100% Warranty
 2. Taylor Court – 90% Performance
 3. Master Muffler – 90% Performance
3. **Resolution No. 15-45** - Authorizing the Mayor to execute an agreement with Bart J. and Iretta J.W. Thaxton for the acquisition of a 24-SF Easement located at 11864 South 1900 West
4. **Resolution No. 15-46** – Ratifying the PO Contract issued to Legacy Landscape for the Landscaping of the 12600 South Redwood Road Northeast Corner Lot Project

[9:54:59 PM](#) Council Member Tingey **MOVED that the City Council approve Consent Agenda** Council Member Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. There being none, he called for a Roll Call Vote. The vote was as follows: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

5. STAFF REPORTS

[9:55:39 PM](#) Mr. Hawker reported that Council Member Staggs recently attended UFA's Fire School. An insert that appeared in *The Salt Lake Tribune* and *The Deseret News* promoting the Osmond Concert was distributed.

6. ELECTED OFFICIAL REPORTS

Mayor Bill Applegarth thanked the Council for participating in the upcoming Western Commercial Development by attending the International Shopping Center Convention in Las Vegas where they met with potential tenants for the development. He said he was overwhelmed by the reception of the potential development and things were moving forward rapidly. He stressed the importance of positive communication with citizens about the proposed development. He then reported that, at the July 21 City Council Meeting, the developer and his staff would be meeting with City Officials regarding the Western Commercial Development and they would also be attending the City Council Meeting that evening. Also, on August 13, 14, and 15, arrangements were being made for Riverton residents to visit the Station Park Development in Farmington to get a feel for the proposed development in Riverton.

[10:05:16 PM](#) **Council Member Johnson** reported that he was very impressed by what he saw at the National Retailer Show. He also commented on Memorial Day and how beautiful the cemetery looked and thanked staff for their efforts. He asked all to reflect on those who have given their lives. He said he loved seeing the interaction of families and commented that the cemetery had never looked better.

[10:07:52 PM](#) **Council Member Staggs** asked about the damaged tennis courts at Peggy Green Park. [10:08:08 PM](#) Parks & Recreation Director Sheril Garn reported that the first option was \$10,000 to repair it; the other option was to remove and replace it at a cost of \$99,000. She said that the repair option would only be a band aid. [10:09:01 PM](#) Mr. Trace Robinson said he did not think it was repairable. It was the consensus of the City Council to leave \$10,000 in the budget and explore the cost of removing the tennis courts and planting grass in the Peggy Green Park.

[10:10:25 PM](#) Council Member Staggs reported on a recent UPD Board Meeting wherein the budget was discussed, which had an approximate 3.2% increase. He reported that he participated in the recent Fire School and the UPD Citizens Academy. He said both provided him with valuable experience on the daily life of police officers and firefighters. He then asked that additional statistics be provided on a monthly basis as part of the monthly police reports. He reported that he and Council Member Stewart had been involved in the website bid process and said a vendor had been selected.

[10:15:09 PM](#) **Council Member Stewart** reported that three accidents occurred over the weekend, one which was a fatality. Several residents expressed concern about the area and the associated speeds and he suggested the situation be examined.

[10:17:03 PM](#) Chief Norton commented on the accidents and the factors that may have been involved. He reported that a directive had been given to traffic and patrol officers to spend more time on the Mountain View Corridor over the next several weeks and to include 13400 South toward 5000 West, where complaints had also been received.

Council Member Stewart reported on a cleanup project where sections of a trail had become overgrown.

Council Member Stewart reminded Mr. Robinson of the entrances near Western Spring where chain link fences were installed and suggested that, if they were to become permanent, they

needed to be improved. He said he also wanted to speak to residents to see if there were concerns with removing the fencing. Mr. Robinson said that funds had been obtained to construct bike lanes on 12600 South to Mountain View Corridor.

10:20:54 PM **Council Member Tingey** thanked Sheril Garn for a great job at the cemetery. She recognized the upcoming busy time of year for staff and she volunteered her services to the Parks and Recreation Department. She expressed her appreciation to staff for their efforts.

10:22:01 PM **Council Member Wayman** said that mosquitos were out and the situation would only get worse. He then inquired about 12600 South and 2700 West and said he understood that UDOT was going to repave it. Trace Robinson explained that UDOT had approached the City but one of the issues involved Rocky Mountain Power and their line. UDOT had asked if they would be willing to take the project on and they would pay for it. He said that option was currently being explored.

7. UPCOMING MEETINGS

10:24:06 PM Mayor Applegarth reviewed the following upcoming meetings:

1. June 16, 2015 – Redevelopment Agency Meeting - 6:20 p.m.
2. June 16, 2015 – Regular City Council Meeting – 6:30 p.m.

8. ADJOURN

10:24:46 PM Council Member Stewart **MOVED that the City Council adjourn.** Council Member Johnson **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 Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.** The Regular City Council Meeting adjourned at 10:25 p.m.

Approved: CC 09-22-15