

Riverton City
REGULAR CITY COUNCIL MEETING
Minutes
June 16, 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
Angela Trammel, Communications Manager

Citizens: Michael Johnson, Wyoma Darlington, Norma Bench, Nathaniel Rather, Rhett Tingey

1. GENERAL BUSINESS

1. Call to Order and Roll Call.

[6:29:03 PM](#) Mayor Applegarth called the Riverton City Council Meeting to order at 6:30 p.m. and conducted a roll call. Council Members Johnson, Staggs, Stewart, Tingey, and Wayman were present.

2. Pledge of Allegiance – Norma Bench

3. Presentations/Reports.

1. Recognition of Boy Scout Troops.

2. Recognition of Fay Stone Stradley.

[6:37:02 PM](#) Mayor Applegarth introduced Fay Stone Stradley who was born on March 14, 1920. At the time of her birth she was the youngest member of the Riverton LDS 1st Ward. At the age of 95, she remains the eldest resident of the same Riverton 1st Ward. The Mayor shared a book, read a short history, and a poem written by Ms. Stradley. Ms. Stradley then shared some of her memories and thoughts about Riverton City.

3. UTA Project Update.

[6:47:36 PM](#) Assistant City Manager Jeff Hawker introduced UTA Representatives Hal Johnson and Brianne Emery who presented information regarding the Southwest Salt Lake County Transit Study.

[6:48:22 PM](#) Ms. Emery reported that to date they had completed a market study of the entire study area, which examined the roads in the area including South Jordan, Riverton, Herriman, and Draper. They conducted focus groups to get a feel for how people perceive transit in the area. They also coordinated with the Federal Transit Administration to refine the alignments. An overview of the project was given in its entirety. The Council was asked to formally adopt the alignment and incorporate it into the City plans to help preserve the area as a transit corridor. She said doing so would help UTA move forward with the Federal Transit Administration in terms of entering the environmental process, studying the alignment in further detail, and determining what, if any, environmental impacts there were with the alignment. They could then move forward and seek federal funds to construct the project. She presented the following steps to be taken next:

- Conduct an Public Open House
- The City Council should adopt the LPA
- Continue coordination on the 13200 South overpass
- Refine the South Jordan Alignment
- Enter environmental documentation

[6:53:17 PM](#) Mayor Applegarth called for questions from the Council.

[6:53:21 PM](#) Council Member Johnson stated that he received a letter of concern from the Early Light Academy about how the transit line would exit past the school.

[6:54:13 PM](#) Ms. Emery indicated that a few months ago all of the cities in the study area received a letter. Since then they have been coordinating with them very closely and have met numerous times with their board and attorney who discussed the alignment and discussed ways to mitigate potential impacts. Further traffic studies were also being conducted.

[6:54:44 PM](#) Mr. Johnson said that they were only asking for the Riverton portion.

[6:55:07 PM](#) Mayor Applegarth indicated that it had been a topic of discussion among the mayors of Draper, Riverton, Herriman, and South Jordan and he acknowledged that a lot of work had gone into it.

[6:55:49 PM](#) Council Member Staggs commented on the turn onto 12600 South from Bangerter; if it could seamlessly combine with the existing traffic.

[6:56:49 PM](#) Mr. Johnson stated that many different alternatives were considered and this was the one that came through the process with the least impact, the most ridership, and served the community the best.

[6:57:41 PM](#) Council Member Tingey commented that the proposed option was the best for the Western Commercial District as well.

[6:57:46 PM](#) Mr. Johnson stated that a multi-media approach had been taken in terms of public involvement. He said additional input would be gathered at the upcoming Open House after which a recommendation would be presented to the Council.

[6:58:22 PM](#) Council Member Wayman declared a conflict of interest because he lives on 12600 South. He spoke against the proposed route on 12600 South and proposed an alternate route going up to Bangerter Highway to accommodate the potential ridership that would be associated with the proposed Salt Lake Community College satellite campus in Herriman. He also suggested the phases be outlined in the public process. Mr. Johnson said they have not yet done any phasing but if the project could not be done all at once it would be done in phases.

[7:00:09 PM](#) Mr. Johnson requested Council's permission to take the proposal to the public for consideration and there were no objections from the Council. Council Member Wayman asked Mr. Johnson to add the alternate route to Bangerter Highway past the community college; however, it was stated that should have happened long ago if that route were to be added.

[7:00:33 PM](#) Mayor Applegarth explained that the intent was for the matter to be taken to the public for comment on what they would like to be considered. Potential options were discussed along with procedural issues. The Council Members agreed to move the matter forward, with the exception of Council Member Wayman.

[7:04:15 PM](#) Council Member Wayman again recommended UTA consider other options such as Bangerter Highway and Herriman.

[7:04:36 PM](#) Council Member Tingey said that UTA was years beyond that and doing what Mr. Wayman suggested would require UTA to go backwards. It was her understanding that if they did not move forward they had the potential to lose federal funding.

[7:04:55 PM](#) Mr. Johnson stated that multiple studies had been conducted and the one suggested by Council Member Wayman would involve a different kind of project that would serve different markets.

[7:06:07 PM](#) Mr. Johnson stated that an open house would be held in each city.

[7:06:30 PM](#) Mayor Applegarth reported that the City's UTA contact would continue to be Jeff Hawker.

[7:07:07 PM](#) Council Member Johnson asked that the City make their public facilities available for the open houses. The Mayor confirmed they were welcome to use City facilities and efforts would be made by the City to get the word out so that as many people as possible could be present.

[7:07:35 PM](#) Council Member Tingey recommended that details of the other open houses also be published to ensure awareness of each of the open houses conducted.

4. Public Comments.

[7:08:10 PM](#) Mayor Applegarth called for public comments.

[7:09:00 PM](#) Stacy Conolog, Lampton View Drive, submitted a petition to reinstate the speed bumps that were removed on their street. She contacted the owners of 20 homes who combined have 32 children under the age of 10, with 16 teenage drivers, which makes the speed bumps particularly important.

[7:09:43 PM](#) Public Works Director Trace Robinson said that one of the speed bumps was on the hill and was very dangerous. He explained that speed bumps were something the City had gotten away from because of emergency equipment. He said there were other ways to control speeds.

[7:12:03 PM](#) Mayor Applegarth accepted the petition and asked staff to study the matter and report back to Council Member Staggs.

[7:13:58 PM](#) Ann Wrens, Lampton View Drive, said that her husband had spent an inordinate amount of time with his radar gun trying to call attention to people, many of whom were neighbors, who speed through their neighborhood.

[7:14:42 PM](#) Mayor Applegarth asked Mr. Hawker to contact UPD to place a speed trailer on Lampton View Drive to help with enforcement.

[7:15:42 PM](#) There were no further public comments and 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.**

[7:15:49 PM](#) Planning Manager, Jason Lethbridge, explained that the ordinance amendment proposes the creation of a new multi-family zoning designation for Riverton City. He said the proposed zone was RM-14, which would allow for a maximum density of 14 units per acre. The proposed action would amend the existing RM-12 section of the ordinance, which is a twelve (12) unit per acre zoning designation, which had not been utilized in the City. He said the fourteen (14) unit per acre designation was similar to and consistent with the RM-14-D zone, which was tied specifically to the Downtown area. The purpose of the zoning was to allow multi-family development in such a way as to create diversity in housing types in areas outside of the downtown, which were determined to be appropriate for multi-family development at that density. With the maximum density of 14 units per acre, the proposed zone would typically accommodate townhome/condo style units.

Mr. Lethbridge addressed setback issues and stated that as building heights increased, the distance from the property line also increased. He said the maximum height of structures in the zone was 35 feet or 2 ½ stories. With regard to native vegetation being used along trails and

bicycle paths, language was added to specify that those areas must be irrigated and included in the landscaping maintained by the owner or the homeowners' association.

Mr. Lethbridge said that on April 23, 2015, the Planning Commission voted to recommend approval of the proposed ordinance amendment.

[7:19:53 PM](#) Mayor Applegarth opened the public hearing; there being no further comments, he closed the public comment period.

Ordinance No. 15-09 – Amending Section 18.55, RM-12, to RM-14 a Multi-Family Residential Zone allowing a maximum 14 Units Per Acre, amendments proposed by Riverton City.

[7:20:15 PM](#) Council Member Tingey **MOVED** that the City Council adopt **Ordinance No. 15-09**, amending Section 18-55, RM-12, to create the RM-14 Zone, a multi-family residential zone allowing a maximum 14 units per acre, as described in Exhibit “A”. Council Member Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. There being none, he called for a roll call vote on the motion. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

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.**

[7:21:15 PM](#) Mr. Lethbridge explained that Rosecreek Crossing, LLC submitted an application requesting that property located at approximately 13600 South 3600 West (Hamilton View Road) be rezoned from C-R (Commercial Regional) to RM-14 (Residential 14 Dwelling Units Per Acre). He said the properties were currently vacant ground. The properties were bounded on the northeast, east, and southeast by property zoned R-4 SD (Residential 10,000 Square Foot Lots Specific Development). Properties to the northwest and west were zoned C-R and utilized as commercial.

Mr. Lethbridge said the property had been zoned Commercial Downtown for many years since the construction of the Walmart store. During that time there had not been any interest in developing the properties commercially. The Biolife Plasma Center had taken the last remaining commercial properties with visibility from 13400 South and left them isolated with poor visibility and access, and thus not highly desirable as commercial properties. He said the applicant proposed to rezone the property to RM-14 in order to construct a medium high to high density residential townhome development. Given its proximity to Bangerter Highway and the fact that it was sandwiched between single-family dwellings and high impact commercial uses such as the Walmart, the proposed development would act as an appropriate buffer between the commercial and single-family residential uses.

Mr. Lethbridge reported that on April 23, 2015, the Planning Commission voted to recommend approval of the proposed ordinance amendment.

[7:24:37 PM](#) Council Member Stewart said that in the past they required public right-of-way in the streets and asked if that had been included. The Mayor explained that they were not all public streets and some were private. Mr. Lethbridge stated that the ordinance left the discretion to the Council.

[7:26:30 PM](#) The developer Doug Young reported that they would be presenting the site plan in the near future. The Mayor informed Mr. Young that a public road could not be gated off. Mr. Young understood that and stated that they plan on gating it.

[7:27:18 PM](#) Council Member Stewart said there were several private roads in his area and there were now issues with the HOAs.

The Mayor asked Mr. Lethbridge to describe the changes to the requirements for private roadways in HOAs. Mr. Lethbridge explained that the construction standards were based on standards similar to the public rights-of-way in terms of asphalt depth and construction methods. With the RDA project the alley-loaded garage concept was challenging. It involved a very narrow right-of-way and differed in functionality from a public street. That was one of the reasons they moved to private there so that it would function as an alley. Ultimately it would be at the discretion of the Council to make the determination.

[7:29:05 PM](#) Council Member Staggs asked if there had been any discussion with the property owners in the R-4 designation about buffering. Mr. Young responded that there was some discussion about the height of the pads and the fencing. He said they plan to tie in to the grade level of Biolife so that they would be buffering against a residence, which he said was the biggest issue. He said the feeling was that a high end residential development would be a better alternative.

[7:30:59 PM](#) Mayor Applegarth opened the public hearing;

[7:31:07 PM](#) Kevin Mabey, Rosecreek Crossing HOA President, commented that Biolife was difficult to accept but in the process they reached out to Mr. Young. For legal reasons those conversations were limited and after a Settlement Agreement was reached Mr. Young reached out to them. He reported that there were 259 units in the Rosecreek Crossing Homeowners' Association. Of those, 96 were townhomes and the rest were single-family homes. Mr. Young indicated that he discussed the type of use they would like to see developed on the remaining parcels. Mr. Mabey said that Mr. Young was quick to address concerns that arose. He was aware of no one in the Rosecreek Crossing HOA who would oppose the proposed rezone.

There were no further comments. Mayor Applegarth closed the public hearing.

Ordinance No. 15-08 – 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.

[7:35:28 PM](#) Council Member Wayman said he was impressed by the efforts made by Mr. Young and the HOA and their ability to work together and said that the park should be a huge selling point.

[7:36:33 PM](#) Council Member Johnson agreed with Council Member Wayman and said he knew the Rosecreek Crossing HOA had been involved in many issues and he appreciated their efforts.

[7:37:34 PM](#) Council Member Wayman **MOVED** that the City Council adopt **Ordinance No. 15-08, rezoning 12.55 acres located at approximately 13600 South Hamilton View Road (3600 West) from C-R to RM-14 and amend the Riverton City General Plan from Regional Commercial to High Density Residential.** 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: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

3. Public Hearing - Final Amended Budget for Fiscal Year 2014-2015.

[7:38:57 PM](#) Mayor Applegarth explained that the City Council adopted a Final Budget for Fiscal Year 2014-2015 on June 17, 2014. During the course of the year amendments to the budget were necessary, as well as a final amendment at the end of Fiscal Year 2014-2015. Proper notice was published for a public hearing regarding the final amended budget for the 2014-2015 Fiscal Year.

[7:39:33 PM](#) Mayor Applegarth opened the public hearing; there were no public comments and he closed the public hearing.

Resolution No. 15-47 – Adopting a Final Amended Budget for Fiscal Year 2014-2015.

[7:39:54 PM](#) Council Member Staggs **MOVED** that the City Council adopt **Resolution No. 15-47 - Adopting Final Amended Budgets for the 2014-2015 Fiscal Year.** Council Member Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. There being none; Mayor Applegarth 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.**

4. Public Hearing - Proposed Municipal Fee Schedule for Fiscal Year 2015-2016.

[7:40:31 PM](#) Mayor Applegarth explained that the City imposes fees for various services rendered to the public. He explained that each year, as part of the budgeting process, the City Council adopts a fee schedule for the ensuing fiscal year and the proposed fees were incorporated into the revenue lines of the FY 2015-2016 Budget. He said the format of the fee schedule showed the current fee, proposed changes to existing fees, as well as any proposed new fees.

[7:40:56 PM](#) Council Member Staggs asked about the culinary water section of the fee schedule and said that a breaker rate should be based on a per 1,000 gallon rate. The Mayor stated that the Council had the discretion to set the fees.

[7:42:13 PM](#) Finance Director Lisa Dudley described the rate and how it was determined. She explained that the City takes an objective approach to qualifying residents for the senior circuit breaker rate; and, in order to qualify, they must first go to the County and show that they are on the County's Circuit Breaker Rate Tax Relief Program for property tax. She assured the Council

that no one on staff was determining which residents to select. Ms. Dudley said that the fee did not change with the Jordan Valley conversion and it had been in place for a long time. She indicated that there was also a circuit breaker rate for secondary water regardless of lot size.

[7:43:18 PM](#) Council Member Staggs said he was aware of several senior citizens and people with small households who would save enormously with the new rate schedule.

[7:44:50 PM](#) Council Member Wayman said that at the proposed rate the cost would be lower than the City's cost. Ms. Dudley reported that only a few people were on that rate and it included only those people who approached the County previously and took the time to provide the documentation to the City.

[7:45:30 PM](#) Mayor Applegarth opened the public hearing; there were no public comments and he closed the public hearing.

[7:45:58 PM](#) Council Member Staggs suggested the possibility of reducing 0 to 10,000 gallons to 3,000 gallons and make 3,000 and above the higher rate. He said, however, that it may not be worth the effort from a financial perspective. Ms. Dudley reiterated that it was a very small number that participated.

[7:46:38 PM](#) Council Member Staggs **MOVED that the City Council adopt Resolution No. 15-48 – Adopting the Municipal Fee Schedule for the 2015-2016 Fiscal Year.** Council Member Wayman **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. There being none, Mayor Applegarth 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.**

5. Public Hearing - City Council's Tentative Budget for Fiscal Year 2015-2016.

[7:47:14 PM](#) Mayor Applegarth explained that 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. The Mayor explained that the public hearing would be the second of two public hearings to receive comments regarding the FY 2015-2016 Tentative Budgets. The Mayor's Tentative Budget and the Council's Budget were both available on the City website and had been available in hard copy form in the Finance Department and the Recorder's Office.

[7:47:55 PM](#) Council Member Staggs asked if the budget could still be modified and the Mayor explained that, if changes were made, Ms. Dudley could make those changes and present the modified document later in the evening. He said if there were too many changes, another meeting would need to be scheduled but the budget must be passed on or before June 22.

[7:49:22 PM](#) Mayor Applegarth opened the public hearing; there were no public comments and he closed the public hearing.

[7:50:08 PM](#) Mayor Applegarth recommended that if there were any proposed changes that they be dealt with individually to ensure Council approval before a vote was taken on the entire budget.

[7:50:32 PM](#) Council Member Staggs commended staff and the Council for their efforts, negotiations, and deliberations in putting together a \$36 million budget to run the operations of the City. He commended Council Member Tingey on her changes that negated the need for fee increases in sanitation. He recommended that \$1,000 be moved from Line 10-43-245 for website maintenance and be moved to Line 10-95-110 for a historical society to be approved by the Council, which has been duly incorporated with the State with accreditation needed with state historical societies and open to Council audit. The Council agreed with the recommendation.

[7:53:33 PM](#) Following discussion, the Mayor asked City Attorney Ryan Carter to determine how to accomplish the above recommendation. Mr. Carter commented on the process of being recognized by the State Historical Society.

Resolution No. 15-50 - Adopting a Final Budget for Fiscal Year 2015-2016.

[7:55:25 PM](#) Council Member Stewart **MOVED** that the City Council adopt **Resolution No. 15-50 – Adopting the Final Budgets for the 2015-2016 Fiscal Year with the adjustment noted by Council Member Staggs.** Council Member Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. There being none, Mayor Applegarth called for a roll call vote. Vote on motion: Johnson-Aye, Staggs-Aye, Stewart-Aye, Tingey-Aye, and Wayman-Aye. **The motion passed unanimously.**

3. DISCUSSION/ACTION ITEMS

1. Resolution No. 15-51 - Adopting a Tax Rate of .000000 for the 2015 Tax Year.

[7:56:34 PM](#) Ms. Dudley reported that one of the last items necessary to finalize the budget for the ensuing budget year was the property tax packet, which was prepared by the County Auditor's office. She said the City resolved not to assess residents a property tax for the 2015 Year, therefore, the following applied:

- Taxable values are calculated by the State Tax Commission and the County Assessor. The certified tax rate is then calculated and distributed by the SL County Auditor's Office.
- Riverton City's 2015 certified tax rate is set at .000000.
- The 2015 property tax revenue associated with the certified tax rate is \$0.

[7:57:48 PM](#) Council Member Tingey **MOVED** that the City Council adopt **Resolution No. 15-51 - Adopting a Tax Rate for the 2015 Tax Year.** Council Member Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. There being none, Mayor Applegarth 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. Minor Subdivision, Mike Smart Minor Subdivision, 1154 West 13200 South, RR-22 Zone, Michael Smart, Applicant

[7:58:27 PM](#) Planning Manager Jason Lethbridge explained a proposal for a minor subdivision located at 1154 West 13200 South. He said the property was zoned RR-22 (Rural Residential ½

acre lots) as were all of the surrounding properties except one small non-conforming parcel to the southwest that was currently zoned R-1 (Residential 1 acre lots). Mr. Lethbridge reported that the applicant proposed to subdivide one parcel totaling 1.91 acres into two lots. Lot 1 had the existing home on it and would be .75 acres in size with the new lot being 1.05 acres. Each lot exceeded the required minimum lot size for the RR-22 Zone.

Mr. Lethbridge said that on June 11, 2015, the Planning Commission voted to recommend approval of the Minor Subdivision Application with the following conditions:

1. The private lane shall be paved with either concrete or asphalt to a minimum of twenty (20) feet in width.
2. Storm drainage systems and installation shall comply with Engineering Department requirements and standards.
3. Any and all irrigation ditches associated with the property shall be addressed, with disposition of the irrigation systems approved by Riverton City and the proper irrigation company or users.
4. The subdivision shall comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.

[8:00:37 PM](#) Council Member Johnson verified that the access would prevent access from Lovers Lane up and he recommended care be taken to ensure that the home was safe.

[8:01:28 PM](#) Council Member Wayman asked what was planned to the north of Lot 2. Mr. Lethbridge said there was a separate property owner who was not connected in any other way with the one referred to.

[8:02:01 PM](#) Council Member Stewart asked about a remnant parcel attached to the same Property Tax ID of the home. Staff was working to resolve the situation.

[8:02:34 PM](#) Council Member Johnson **MOVED that the City Council approve Application #15-1002, Mike Smart Minor Subdivision accessed by a private lane, located at 1154 West 13200 South with the conditions outlined in the staff report.** Council Member Wayman **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. There being none, the Mayor 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. **Commercial Site Plan, South Hills Dental Center, 4013 West 13400 South, C-PO Zone, 1.14 Acres Tony Skanchy, Applicant**

[8:03:23 PM](#) Mr. Lethbridge explained an application for a commercial site plan located at 4013 West 13400 South. He said the property was zoned Commercial Professional Office and a small portion of the property along the west boundary was zoned Commercial Regional. He said the surrounding properties to the east, south, and west were zoned Commercial Regional, although the property to the east and west were rights-of-way. To the north, across 13400 South, the property was zoned Planned Commercial Center. He said the proposed dental office was compliant with both the Commercial Professional Office and Commercial Regional Zones.

Mr. Lethbridge indicated that the applicant proposed demolition of the existing residential structure for development of the property as a dental office. He said the property would have access from both 13400 South and 4050 West, which had been reviewed by the Riverton City Engineering Department and found to be compliant with the City's access management standards. The building would be approximately 8,000 square feet in size and the parking as shown was determined to be sufficient for a medical/dental office of that size. Exterior building materials consisted of primarily stone and stucco in proportions that were consistent with both the requirements of the ordinance and the expectations of the City.

Mr. Lethbridge said that on May 28, 2015, the Planning Commission voted to recommend approval of the Site Plan application with the following conditions:

1. Road and right-of-way improvements to 13400 South shall comply with Riverton City's standards and requirements, including the Riverton City Public Works Department requirements.
2. Building architecture shall comply with the submitted documents as approved by the Planning Commission and City Council.
3. The proposed garage area shall be utilized in compliance with the Commercial Regional Zone, and the International Building and Fire Codes.
4. The site and structures comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
5. All mechanical equipment shall be screened from view.

Fencing and access issues were discussed.

[8:13:51 PM](#) Architect Nathaniel Rather was present on behalf of the owner and said he believed there was an agreement that allowed them to retain the existing drive on 13400 South. He said the owner was very interested in retaining that drive.

[8:14:34 PM](#) Mayor Applegarth stated that the Council could choose to table the matter but said that the next meeting where it could be addressed would be the first Tuesday in August.

Council Member Tingey asked if there were any associated safety issues. Mr. Trace Robinson stated that there would only be a small amount of traffic coming out there. He did, however, acknowledge that it would be better to be on 4000 West. He felt that that the majority of the traffic would be going out onto the new 4150 West. Council Member Stewart's concern was with morning traffic.

[8:15:53 PM](#) Mayor Applegarth commented that if that was the desire it should be determined if there was a legal agreement in place. Procedural issues were then discussed.

[8:16:25 PM](#) Council Member Wayman recommended leaving the determination up to staff. Mr. Carter advised against that type of action.

[8:17:10 PM](#) Council Member Stewart **MOVED to table the item to August 4, 2015. The motion died for lack of a second.**

[8:17:50 PM](#) Council Member Johnson said it was awkward for the matter to be presented to the Council and not have the answers regarding the right-of-way.

[8:18:59 PM](#) Mayor Applegarth stated that a meeting could be held on July 7th where all legal answers could be made available.

[8:19:46 PM](#) City Manager Lance Blackwood explained that one of the reasons it came to the Council was to show the access. He said that staff never had concerns with it and for that reason research was not conducted about whether they had the right-of-way.

[8:20:09 PM](#) Council Member Tingey said she was not concerned if there were no safety issues.

[8:20:25 PM](#) Council Member Johnson **MOVED that the City Council approve the South Hills Dental Center, to be located at 4013 West 13400 South, with the conditions outlined in the staff report.** Council Member Wayman **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. There being none, Mayor Applegarth 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.**

4. **Resolution No. 15-49 - Allocating funds not to exceed \$25,000 and authorize the Public Works Department to solicit bids and construct a gate at the north end of Reeves Lane.**

[8:21:17 PM](#) Public Works Director Trace Robinson explained that in 2013, Riverton City adopted Ordinance 17.20.010.3 which allowed the City to control public access through the installation of security gates. The Council also approved the installation of such a gate at the north end of Reeves Lane, which would be constructed to eliminate through traffic from the newly constructed subdivision in South Jordan that tied into the north end of Reeves Lane. However, the gate would allow emergency operators to open it using a Knox Lock and pass through when necessary. It was estimated that the cost of the project, including signage, would not exceed \$25,000. The span of the double gate would be 42 to 44 feet.

[8:22:41 PM](#) Mr. Carter commented that the Council went back and forth with the public and an understanding was reached that the gate would go in. There was not, however, a formal agreement reached. The meetings were attended by many residents and it was a politically charged environment. Mr. Carter reported that the problem with Reeves Lane had always been that it was far too long to end in a cul-de-sac. The original idea was to close off the northern most section of Reeves Lane, which would have sealed off any access out of the property on the South Jordan side of the border. Mr. Carter stated that would have been a violation of Riverton City's Municipal Code, which required cul-de-sacs be no longer than 400 to 450 feet in length, and this was much longer. When it was originally built and approved, the Council did so with the understanding that a development was on the heels of this one in South Jordan that would connect it to 11400 South or other arterial streets; however, that did not occur for decades.

Mr. Carter recommended that an ordinance be drafted with specific criteria allowing for a gate that still allowed through traffic but could be opened only by emergency response groups. The City Council directed staff to come back with an ordinance that would enable a safety gate to be installed at the end of Reeves Lane. Staff drafted the ordinance and the City Council approved it.

He said that meant that if the Council took the additional action of putting in a gate, it would not be illegal. No further action was taken. He clarified that the City Council never bound itself to put in a gate but created a legal pathway to do so.

[8:25:18 PM](#) Mayor Applegarth stressed that the issue pertained to the funding of a gate.

[8:25:33 PM](#) Council Member Staggs said his understanding was that the north end of Reeves Lane was always intended to ultimately connect. Mr. Carter confirmed that was the case. Mayor Applegarth said that he spoke to previous Council Members about that and confirmed that was the intent. Council Member Staggs said that must have been something the residents had understood.

[8:26:10 PM](#) Mr. Carter said, that the issue had come up a few times and he wondered what residents expected when they moved into a neighborhood with a stub street; however, they got used to the lifestyle of living on a cul-de-sac.

[8:26:55 PM](#) Council Member Staggs said there had been contact by residents with the Council who had opposing views, but he had not heard a convincing argument. He felt that from a funding perspective he could not ask those who want the access to end up ultimately paying for a gate.

[8:29:36 PM](#) Council Member Johnson **MOVED that the City Council deny Resolution No. 15-49 allocating funds not to exceed \$25,000 and authorizing the Public Works Department to solicit bids and construct a security gate at the end of Reeves Lane.** Council Member Wayman **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-Abstained, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed with one abstention.**

[8:30:30 PM](#) Council Member Stewart recommended the matter come back for further discussion at the August 4th Council Meeting. Mayor Applegarth asked Mr. Robinson to keep the residents informed.

4. CONSENT AGENDA

Mayor Applegarth presented the following Consent Agenda:

1. **Minutes:** RCCM 06-02-15.
2. **Bond Releases:**
 1. Royal Farms Phase 1 – 100% Warranty.
3. **Ordinance No. 15-10** - Adopting a Compensation Schedule for Elective and Statutory Officers and all other Municipal Employees for Fiscal Year 2015-2016.
4. **Resolution No. 15-53** – Authorizing the City to execute the American Public Works Association, Utah Chapter Mutual Aid Interlocal Agreement for Utah Public Works Emergency Management.
5. **Resolution No. 15-54** - Encouraging the County of Salt Lake to Submit a Local Option 0.25% Sales Tax to County voters in November 2015.

6. **Resolution No. 15-52** – Consenting to the Mayor’s Appointment of Lieutenant Rivera as the Unified Police Department (UPD) Riverton Precinct Chief of Police Services.
7. **Resolution No. 15-55** - Ratifying the approval of Change Orders given to Ellsworth Paulsen Construction Company allowing them to complete the Water Meter Vaults Modification Project.

[8:31:48 PM](#) Consent Agenda Items 4.1 and 4.6 were removed for further discussion.

[8:32:16 PM](#) Council Member Tingey **MOVED that the City Council approve the Consent Agenda with the exception of Items 4.1 and 4.6.** Council Member Johnson **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.**

4.1 Minutes: RCCM 06-02-15.

[8:33:40 PM](#) Council Member Staggs spoke of the change in the way the minutes had been recorded over the past few months with each Council Member’s summarized comments removed. He recommended they return to that format but also keeping the time stamp. He said that he gleaned a great deal from reviewing previous written minutes.

[8:34:40 PM](#) Council Member Tingey commented that, if that was going to be the case, the Council not spend time correcting the summary of what took place. She felt that they were putting the City Recorder in a difficult position of trying to best summarize what was said. Council Member Tingey clarified that she did not object to what was proposed as long as the Council does not scrutinize her summaries.

[8:35:17 PM](#) Council Member Wayman disagreed and thought that if something is incorrect it should be corrected.

[8:36:21 PM](#) Mr. Carter commented that either option proposed was legal. He suggested that, if Council Member Staggs’ suggestion was followed, that the minutes not be approved and brought back for final ratification after they had been modified.

[8:36:52 PM](#) Council Member Staggs asked if there was a legal time limit by which they needed to adopt the minutes and the Mayor confirmed that there was.

[8:37:16 PM](#) Council Member Stewart expressed concern regarding the retention period of recordings. He found it beneficial to be able to go back and refer to the audio recording. Mayor Applegarth explained that the current policy was to keep the recordings indefinitely. Mr. Carter recommended that the recordings be retained indefinitely. He stressed that minutes did not need to be approved within a certain period of time, however, a draft of unapproved pending minutes had to be made available to the public within 30 days. He felt that what was available currently satisfied that requirement.

The minutes were not approved.

The Mayor asked the Council for a consensus of how they would like the minutes to be modified and recommended the process be as simple as possible.

[8:44:41 PM](#) Council Member Stewart recommended that staff come back with an ordinance that caused recordings to be retained, not just by policy. He also suggested there be a three to five word queue. The definition of “official” record was discussed. Ms. Loader indicated that the Council could require the written copy and audio recording of the meeting both be considered together as the official record.

[8:48:04 PM](#) Mr. Blackwood asked for specifics about the queues that were desired. In essence, the minutes would be summarized and any additional detail would have to be found by listening to the audio.

[8:49:43 PM](#) Council Member Wayman said that the Public Notice Website audio recordings were only kept a few years.

[8:50:46 PM](#) Mayor Applegarth summarized that the intent was to modify the format of the June 2, June 16, and July 21 meeting minutes, which would be presented on August 4th in a new format. At that time an ordinance would also be presented defining how long a recording would be retained.

4.6. **Resolution No. 15-52 – Consenting to the Mayor’s Appointment of Lieutenant Rivera as the Unified Police Department (UPD) Riverton Precinct Chief of Police Services.**

[8:51:42 PM](#) Mayor Applegarth reported that UPD Chief Rod Norton announced earlier in the day that he would be retiring and his last day of work would be July 15. He said he nominated Lieutenant Rosie Rivera to serve as the New Riverton Precinct Chief. The procedure was outlined and the Mayor stated that he and the Sheriff agreed to Lieutenant Rivera’s appointment. Mayor Applegarth said Chief Norton also offered his support of the nomination.

[8:53:53 PM](#) Council Member Stewart expressed his support for Lieutenant Rivera; he, however, was concerned that not enough notification was given to the Council regarding the appointment and asked that that be considered in the future.

[8:54:16 PM](#) Council Member Staggs recommended that with appointments where advice and consent of the Council was required, that they meet as a body to discuss the reassignments or retirements.

[8:55:40 PM](#) Council Member Staggs **MOVED that with any appointment requiring advice and consent that the Council hold a closed door or open session to discuss potential appointees. The motion died for lack of a second.**

[8:56:12 PM](#) Mr. Carter stated that what was before the Council was an up or down resolution on the ratification of a nomination advanced by the Mayor. The comments raised by Council Member Staggs did not fall within the framework of that agenda. In order for Lieutenant Rivera to be fully vetted the Council should come back with a separate agenda item. With regard to the vetting process, Mr. Carter stated that it would be fair for the Council to engage in a vetting

process of a nominee but how the nominee was advanced to the Council was an executive function. Procedural issues were then discussed.

[8:59:25 PM](#) Council Member Wayman recommended the matter be tabled to allow the Council to ask questions of Lieutenant Rivera before accepting the nomination. Council Member Wayman **MOVED that the City Council table the matter to the August 4 Council Meeting.** Council Member Staggs **SECONDED** the motion.

[8:59:56 PM](#) Council Member Johnson commented that Chief Norton was retiring on July 15 and delaying a decision would leave them without a Precinct Chief. Mayor Applegarth reported that the appointment was at his and the Sheriff's discretion; in the meantime an Interim Chief could be appointed.

[9:00:17 PM](#) Mr. Carter commented that an Interim Chief could be anyone including Lieutenant Rivera.

[9:01:35 PM](#) Council Member Tingey agreed that the Council should be involved but stated that after the name had been released it would not be appropriate to table the matter.

[9:02:00 PM](#) Council Member Johnson agreed but he said there were issues the Council needed to entertain going forward. He also agreed with Council Member Staggs' concerns. Given the circumstances, however, he did not think Lieutenant Rivera being present would change his decision to ratify her as the Chief.

[9:02:14 PM](#) Council Member Stewart spoke in favor of Lieutenant Rivera but he said he still had the concerns that were addressed previously.

[9:03:10 PM](#) Council Member Staggs recommended that for the future the Council pass an ordinance setting a minimum amount of time for notification and ratification of an appointment. Mr. Carter asked for the opportunity to think the matter through further.

[9:04:34 PM](#) Council Member Wayman commented that his only contact was on Friday when he received a brief phone call; he had not spoken to Lieutenant Rivera before and wanted the opportunity to speak with her. He recommended the matter be tabled.

[9:05:40 PM](#) There being none, he called for a roll call vote. The vote was as follows: Johnson-No, Staggs-Yes, Stewart-No, Tingey-No, and Wayman-Yes. **The motion failed 3-to-2.**

[9:06:05 PM](#) Council Member Stewart **MOVED that the City Council adopt Resolution No. 15-52 - Appointing Rosie Rivera as the Unified Police Department (UPD) Riverton Precinct Chief of Police Services.** Council Member 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-No. **The motion passed 4 to 1.** Council Member Wayman explained that his vote against the motion was not to oppose Lieutenant Rivera but because he did not think it was right to rubberstamp something that was proposed without having a chance to talk to the candidate in person.

[9:07:04 PM](#) Mayor Applegarth explained the process and apologized for the notification.

5. STAFF REPORTS

Ms. Dudley reported that there were approximately 25 connections on the Circuit Breaker Rate.

[9:10:37 PM](#) Mr. Blackwood reported on recent rain and flooding and said that Salt Lake County activated the Emergency Operations Center and the Riverton Precinct activated a Command Center. He complimented staff for the way they performed and thanked them for their service.

[9:13:23 PM](#) Council Member Stewart said he did not receive any reports of flooding in his area but he was able to take photographs of improvements that had been put in place that functioned well. He said that Mountain View Park adequately retained the water where there had been issues in the past.

[9:14:36 PM](#) Mr. Blackwood reported that Council Member Staggs was in the field providing assistance.

[9:15:15 PM](#) Mr. Trace Robinson reported that the systems were typically designed for 10-year 24-hour storms and the pipes were designed for a 10-year three-hour storm. In this case, over two inches of rain fell in less than 70 minutes, which was a short duration, high intensity storm that caused flooding. He agreed to show the Council video taken by residents at a future meeting.

[9:17:59 PM](#) Council Member Staggs thanked staff for their efforts during the storm.

[9:19:10 PM](#) Sheril Garn, Parks & Public Services Director, reviewed plans for the Sesquicentennial Celebration on June 22 and gave the Council Members their schedule for that event. Ms. Garn then reviewed the schedule for Town Days and said the carnival was moved behind City Hall. She said the City has brought in approximately \$8,000 from the carnival and expected that \$10,000 worth of damage would have been done to the new park; staff did not think it was worth the risk and changed the location.

6. ELECTED OFFICIAL REPORTS

[9:26:00 PM](#) **Mayor Applegarth** thanked Ms. Dudley for her dedication and work on the budget and acknowledged that she had some unique challenges during the process.

The Mayor reported that one of the fundraisers for The American Cancer Society was the Relay for Life where the organizers requested a Miracle Minute from the City during the Friday night portion of the rodeo. He asked for direction from the Council and they all expressed their support.

[9:31:34 PM](#) **Council Member Johnson** remarked that his comments made earlier in the meeting were not meant to reflect any negative feelings toward senior staff and he commended them for their efforts. He said he was flooded and received an email the previous Saturday informing him of where he could go to get sandbags; he expressed gratitude those who provided assistance.

[9:36:05 PM](#) **Council Member Staggs** thanked staff for their work on the budget.

[9:37:34 PM](#) **Council Member Stewart** spoke in appreciation of the compromise and collaboration that took place on the budget. Mr. Robinson was asked previously to look into the fatality that occurred on Mountain View Corridor and the accidents that took place within the span of a few days.

[9:38:34 PM](#) Mr. Robinson reported that he spoke to UDOT about early warning signs and was informed they had been installed but nothing was budgeted for the area. He agreed to continue to apply pressure and report back at the next Council Meeting.

Council Member Stewart reported on street seals in his area and Mr. Robinson responded. Mr. Stewart reported a problem with a stormwater drain on Morning Cloak Drive and Mr. Robinson agreed to investigate.

[9:42:53 PM](#) **Council Member Tingey** reported on the Health Fair and said that the majority of people she spoke to were not Riverton residents. She noticed that construction of the sidewalk on 11800 South had begun. She expressed thanks for the cleanup that had begun on the Midas Creek Trails. She asked that the Mayor let her know when service projects could begin.

[9:44:08 PM](#) **Council Member Wayman** reported that he recently attended training from the Auditor's Office pertaining to duties, the Employees Ethics Act, and Municipal Officers. He declared that he is the owner of Wayman's Studio Photography and at times he does business with Riverton City. Conflict of interest issues were then discussed.

[9:47:38 PM](#) Mr. Carter explained that a conflict of interest was when someone could gain financially because of a decision made while acting as a Council Member. He said that the Council had always been conscientious in that regard. He said a Council Member could not be involved in a decision making process where they have also tendered a bid and they could not have any kind of influence over other people in the decision making process if they were involved in the bidding.

7. UPCOMING MEETINGS

[9:51:51 PM](#) Mayor Applegarth reviewed the following upcoming meetings:

1. July 07, 2015 – Regular City Council Meeting – *Cancelled*
2. July 21, 2015 – Regular City Council Meeting – 6:30 p.m.
3. August 4, 2015 – Regular City Council Meeting – 6:30 p.m.

8. ADJOURN

Council Member Tingey **MOVED to adjourn**. Council Member Wayman **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. There being none, he called for a vote. 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.** The Regular City Council Meeting adjourned at 9:52 p.m.

Approved: CC 09-22-15