

Riverton City
REGULAR CITY COUNCIL MEETING
Minutes
August 18, 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, Tish Buroker, Letitia R. Burder, Doug Folsom, Karol & Terry Haney, Paul Van Komen, Angela Healy, Todd Bowmar Cameron Francis, Kathy, Greg & Michelle Hunter, Phil Staggs, Joe & Elvira Lotorica, Rich & Ben Lighten, Nevih Cagle, Frank Cagle, Bruce Baird, David H. Chavez, Mark J. Healy, Connor P. Healy, Jennifer Hunter, David Retie, Sharon Rettie, Pat Wilson, Mark Wilson Rob Whitlock, Sharon Lane, Marci & Chris Seegmiller Dorothy Van Komen, David Van Komen, Lonn & Michelle Rasmussen, Clifford F. Harrison, Marv Hendrickson, Kriss Young, Dave Hendrickson, Hani Makar. David Coleman, Daniel Strange

1. GENERAL BUSINESS

1. Call to Order and Roll Call.

[6:30:24 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 – Ryan Tanner.

3. Presentations/Reports- No Presentations or Reports at this time.

1. Recognition of Boy Scout Troops Ryan Tanner, and Boy Scout Troop Number 1425 was recognized.

2. Presentation of Utah Local Governments Trust 2014 TAP Award

[6:33:37 PM](#) Doug Folsom, Utah Local Governments Trust, presented a Trust Accountability Program (TAP) for safety. Ryan Carter, Kim Dean and Trish Dixon were commended for their efforts in helping the City attain this award.

3. Report from Miss Riverton Lindsey Gill

[6:37:20 PM](#) Miss Riverton Lindsey Gill discussed her platform of safety in driving and not being distracted. She also announced her plan for collecting 10,000 shoes for an African Relief Project.

4. Public Comments.

Mayor Applegarth called for public comments.

[6:41:16 PM](#) Mark Healy, resident living on Lampton View Way, said his road had been resurfaced and speed bumps were not re-installed. He was concerned with skate boarders going down the street too fast. He asked if speed bumps were going to be installed on Lampton View Way.

[6:42:51 PM](#) Council Member Trent Staggs requested Mr. Healy's contact information.

There were no further public comments and Mayor Applegarth closed the public comment period.

2. PUBLIC HEARINGS

1. Public Hearing – Proposed amendments to Title 17, Subdivisions, Section 17.20.010, repealing section (3), which addresses security gates on public streets, Amendments proposed by Riverton City

[6:43:30 PM](#) Jason Lethbridge, Planning Manager, explained that in spring of 2013, the City Council reviewed a request for the installation of an emergency vehicle gate on Reeve's Lane in Riverton City. As part of that review process, he said the Riverton City Attorney determined that Riverton City's ordinance regulating streets prohibited closure of the north end of Reeve's Lane because Riverton City Code prohibits cul-de-sacs in excess of 450 feet in length. There was also a concern that completely sealing off Reeves Lane from connecting with property further to the north could trigger a regulatory taking claim against the City. The ultimate solution was an amendment to the Riverton City Code that empowered the Riverton City Council to authorize a security gate in lieu of opening a roadway to comply with cul-de-sac standards under City ordinance. The ordinance permitting a security gate, however, was freighted with criteria so specific that it seemed implausible and could be used to authorize a security gate in any other location of Riverton City. The ordinance was presented to the Council for review of the proposed repealing.

Mr. Lethbridge said on August 13, 2015, the Planning Commission voted to recommend denial of the proposed ordinance amendment.

[6:45:08 PM](#) Mayor Applegarth opened the public hearing and invited public comments.

[6:45:34 PM](#) Cameron Francis, a resident from Reeves Lane, asked the residents on Reeves Lane in attendance to show by raise of hands if they wanted the City Council to leave the existing ordinance on the books and the majority of the residents in the room raised their hands.

[6:48:23 PM](#) Jason Meaders spoke in favor of keeping the ordinance as it existed. He spoke of the jersey barricades that were being used in the Reeves Lane area. His understanding was that they would be removed once the subdivision was complete and new homes were occupied. He asked that the security gate ordinance remain on the books.

[6:49:40 PM](#) Tish Buroker, lives on Riverwalk Dr., which she said was currently the only access to Reeves Lane. She expressed opposition to the gate for the following reasons: safety, civic fair mindedness, preferential and precedence. She encouraged the Council to act for the good of the entire City by amending the ordinance so that a gate could not be placed on that street.

[6:53:09 PM](#) Brenda McCann, Riverwalk Dr., urged the Council to keep the ordinance for future reference. She expressed safety concerns for Reeves Lane.

[6:54:37 PM](#) Angela Healy asked Council Members why the ordinance was to be lifted right now. She said she was watching every day and was certain that traffic would increase once the barricades were removed. She reminded the Council that the issue was considered and approved two years ago and for safety reasons it should not be disallowed.

[6:57:32 PM](#) Paul Van Kommen, Reeves Lane, commented that at the June 16 Council Meeting the gate issue was approved as a budget item. He said that there had not been a traffic study on the street and asked the Council to leave the gate ordinance on the books so that a hasty decision would not be made.

[7:02:56 PM](#) There were no further comments; Mayor Applegarth closed the public hearing.

[7:03:07 PM](#) Council Member Trent Staggs asked if the ordinance needed to be in place while the jersey barriers were up.

[7:04:18 PM](#) City Attorney Ryan Carter said that the placement of the jersey barricades and the justification for their placement had nothing to do with the ordinance that was being considered. He said that, in order to prevent construction truck traffic on Reeves Lane, the City opted to use jersey barricades as a temporary, preventative measure to help enforce the truck route ordinance. He said as construction traffic decreased and the project was near completion, the City would evaluate the appropriate time to remove the barricades.

[7:06:14 PM](#) Mayor Applegarth stated that the barricades would come down when it was legally feasible.

[7:08:16 PM](#) Council Member Johnson asked if the barricades would be removed if one resident was established and a certificate of occupancy was issued for the new development.

City Attorney Ryan Carter stated that the quality of traffic would be monitored in the area and the decision to remove the barricades would not necessarily be tied to a certificate of occupancy,

rather it would be determined by the quality, size and volume of the trucks going through the area.

Council Member Johnson discussed access of the area by emergency response vehicles.

[7:09:59 PM](#) Ryan Carter stated that South Jordan City was responsible for the health, safety and welfare of their residents and the need for emergency response access. He said the City was working with them on the issue and they would contact us when the homes were near completion and getting ready for occupancy.

[7:11:52 PM](#) Council Member Trent Staggs expressed appreciation to the residents who had been engaged in the process and he said that opening the connection to South Jordan would distribute traffic more evenly across the various streets. He said he did not feel it was unreasonable to leave the ordinance on the books.

[7:16:09 PM](#) Council Member Sheldon Stewart **MOVED the City Council approve Ordinance No. 15-13, Amending Section Repealing Riverton City Ordinance 17.20.010 (3), “Security Gate in Lieu of Two Connections to Public Streets within a Subdivision”**. Council Member Paul Wayman **SECONDED** the motion. Mayor Applegarth called for discussion on the motion.

[7:16:33 PM](#) Mayor Applegarth apologized to the residents of Reeves Lane and explained that he thought he had the ability to put the gate in, but after closer examination of the ordinance he realized that was not the case. He spoke of the paving of Riverfront Parkway and expressed his concerns regarding the legal issues regarding the jersey barricades. He recommended tabling the item until Riverfront Parkway had been paved. [7:22:34 PM](#) City Attorney Ryan Carter recommended tabling it with a date specific.

Council Member Brent Johnson made a substitute motion and **MOVED the City Council table for a period not longer than October 15th to continue looking at the effect that we still have the option to move forward with this or not.** [7:25:13 PM](#) Council Member Trent Staggs **SECONDED the motion with the clarification that the triggering event be the paving of Riverfront Parkway.** [7:26:48 PM](#) A discussion regarding the October meeting schedule took place.

[7:27:16 PM](#) Council Member Brent Johnson **restated his substitute motion and MOVED the City Council table this issue until the first available Council Meeting nearest to October 15th for review.** Council Member Trent Staggs **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. There being none, he called for a roll call vote on the substitute motion. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-No, Tingey-No, and Wayman-No. **The motion failed 3 to 2.**

Mayor Applegarth called for a roll call vote on **the original motion, that City Council approve Ordinance No. 15-13, Amending Section Repealing Riverton City Ordinance 17.20.010 (3), “Security Gate in Lieu of Two Connections to Public Streets within a Subdivision”** The vote was as follows: Johnson-No, Staggs-No, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed 3 to 2.**

2. Public Hearing - Proposed rezone of 8.8 acres located at approximately the North West corner of 1300 West 12600 South to RM-14, currently R-4 and C-G Zones, Keystone Construction, Applicant

[7:30:08 PM](#) Jason Lethbridge, Planning Manager explained that Keystone Construction submitted an application requesting that eight properties totaling 8.8 acres located at the north west corner of the intersection of 12600 South 1300 West be rezoned from the existing zoning of R-4 (Residential 10,000 square foot lots) and C-G (Commercial Gateway) to a new zoning designation of RM-14 (Residential multi-family 14 dwellings per acre). He said the property currently split the R-4 and C-G zoning down the middle and current uses of the properties were residential and limited agricultural. Properties to the north and west were zoned R-4 with a small parcel zoned C-PO (Commercial Professional Office) at the south west corner. Properties on the south side of 12600 South were zoned C-G and to the east property was zoned both R-4 and C-G.

Mr. Lethbridge said on July 9, 2015, the Planning Commission voted to recommend denial of the rezone application.

[7:33:17 PM](#) Council Member Tricia Tingey commented on the revitalization of the downtown area and the need to maintain a Commercial Gateway Zone. She said that once the property was rezoned residential the commercial opportunity went away. She spoke of the benefit of having patience with the Western Commercial District.

[7:34:13 PM](#) Council Member Trent Staggs commented on the amount of commercial property the City had and that unsuccessful commercial marketing efforts regarding the proposed property had been made for a number of years.

[7:36:23 PM](#) Council Member Tricia Tingey said that if Trax went down 12600 South, there would most likely be a stop at 1300 West with little commercial development in place.

[7:36:37 PM](#) Council Member Trent Staggs said he felt there would be a higher propensity for rezoning the property at a higher rate in the future.

[7:37:52 PM](#) Mayor Applegarth said that in his experience he had seen that the Council listened very carefully to the residents and he cautioned the residents to carefully consider what they asked for.

[7:41:16 PM](#) Applicant Matt Lapear, Keystone Construction, said he had met with the neighbors. He said his company had been dealing with a multitude of possibilities for the site for many years and their desire was to minimize their footprint while maximizing their sustainability. It was their opinion that the City Park was the key for the development of the site. He said a good compromise between what the market suggested and what the neighbors requested was a lower density product along the bordering residential streets and increasing it along the corridor streets such as 12600 South and 1300 West. He said the RM-14 application reflected an overall density of 12.6 units per acre.

[7:46:50 PM](#) Mayor Applegarth asked if the perimeter units on the property were all single story. Mr. Lapear stated that they were all two story with a maximum height of 25 feet.

[7:47:33 PM](#) Ryan Hells, Hells Engineering, spoke of a completed Traffic Impact Study on the project at 12600 South and 1300 West. One result of the study was the need to apply for a variance from UDOT for the access to the proposed development, as it was currently short of their standards.

[7:55:11 PM](#) Mayor Applegarth opened the public hearing;

[7:55:18 PM](#) Russ Lane, resident, said that he had no problem with the low density housing proposal rather than commercial, however, the R-14 designation scared him and increased traffic was a big concern.

[7:57:15 PM](#) Robert Whitlock, living north of the development, spoke in opposition to a high density development.

[7:58:01 PM](#) Lon Rasmussen, living north of the proposed development, spoke in favor of the property on 12600 remaining commercial and the interior sections being residential rezone of R-4 with a horseshoe street for access.

[7:58:53 PM](#) Celeste Whitlock expressed his concerns regarding traffic and the young pedestrians that walk to Artic Circle. She then requested speed bumps in her neighborhood.

[8:00:33 PM](#) David Ready, living north of the proposed development, thanked Mr. Hells for his explanation of the traffic study. He expressed concerns regarding the density of the development, which he said was too many people for that small of an area.

[8:02:17 PM](#) Sharon Ready, a resident and a teacher, expressed concern regarding the number of children who would be moving into the new housing area and the impact on Rosamond and Riverton Elementary Schools. She also said the crime rate would increase and requested an RM-8 Zone.

[8:04:00 PM](#) Jon Herman, a resident, said he loved Riverton and felt it was a great place to live and that the City was being run well. He said the proposed RM-14 was too high density for the area.

[8:05:04 PM](#) Daniel Strange, living north of the development, said he felt a high density development would devalue the properties in the area. He expressed concerns regarding the traffic and that off street parking in front of his home would become an issue. He requested an R-8 Zone.

[8:07:55 PM](#) Cal Lugo, a resident in the neighborhood, expressed concern regarding the resale value of his home with a housing project of such high density in his back yard.

[8:08:44 PM](#) Richard Coats, a resident on Quail Ridge, expressed his concerns regarding the proposed high density units behind him, the size of houses and number of houses. He felt that the traffic on 1300 West was a problem and would only become worse. He said he was not supportive of an RM-14 but he supported R-8 zoning.

[8:10:40 PM](#) Tish Buroker spoke regarding the Anamas property and home located on the site and she said it was unfortunate that a method for preservation of older and historic homes was not in place.

[8:11:31 PM](#) David Coleman, resident, expressed his concerns regarding the possibility of Trax on 12600 South and the need to widen 12600 South. He spoke in favor of residential zoning in the area but opposed high density.

[8:12:32 PM](#) Martin Houk, Lone Peak Realty and Management Broker, said his company had the west side of the subject property, approximately 5.5 acres, under contract with the Chavez Family and, as a 25 year veteran of the Real Estate Broker business, he gave a brief history of the property.

[8:16:15 PM](#) Rich Lighten said he was pleased with the current new structures in the downtown area and felt that the RM-14 was a higher density than most wanted; however, he said sometimes you have to take what you can get if you want residential.

[8:17:23 PM](#) Al Leavitt, resident, said he was concerned about traffic issues and said he had seen the Walmart trucks using subdivisions to maneuver around. He said he would like the Anamas and the Chavez families to be able to sell their properties, however, the traffic problems with an RM-14 would be severe and he requested an RM-8 Zone for the property.

[8:19:18 PM](#) Emily Veenedahl, Lampton View, spoke in opposition to the proposed RM-14 Zone because the increased traffic difficulties would force her to travel north to South Jordan and she would not be able to spend her time or money in Riverton.

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

[8:20:08 PM](#) Council Member Tricia Tingey said she was still reluctant to let go of the commercial zoning with the property; however, it appeared the citizens were in favor of residential. She said her stipulations for voting in favor would include buffering the project with RM-8. She did not feel it was fair to the existing R-4 property owners to have RM-14 right next to them.

[8:21:17 PM](#) Applicant Matt Lapear restated the benefits of the accessibility to the park, shopping and dining. He said that down zoning the property was wrong and unheard of.

[8:23:56 PM](#) Council Member Paul Wayman said that the residents favored an RM-8 Zone.

[8:24:44 PM](#) Applicant Matt Lapear said the property owners would not take the commercially zoned property to a “down zone” RM-8 Zone but he wanted to be fair to the property owners with land rights, he felt the proposal was a happy medium.

[8:25:44 PM](#) Council Member Tricia Tingey wanted to ensure the adjacent residents with RM-4 Zoning were buffered properly.

[8:26:40 PM](#) Council Member Trent Staggs said that Keystone was actually in favor of the buffering and was going to restrict the overall amount of units in the area to something less than

RM-14 in an effort to compromise. He said the maximum height requirement for R-4 was 35 feet and the developer was willing to cap it at 25 feet. He then spoke of setback requirements and said there should be a way to create a buffer that would mirror RM-8 private yard space requirements.

[8:29:42 PM](#) Applicant Matt Lapear said that they were open to what Mr. Staggs mentioned and well as to the buffering suggestions since the beginning of the project. He said that many of the issues would be addressed during the site plan review.

[8:30:59 PM](#) Council Member Sheldon Stewart spoke of the parking situation and was assured by Mr. Lapear that there was two stall parking for each unit, with additional on street parking, exceeded the parking requirement by 12-13 total stalls.

[8:31:47 PM](#) Council Member Trent Staggs asked Mr. Lapear to address the potential price point of the units. It was stated by Mr. Lapear that they will be in the \$250,000 - \$300,000 range.

[8:33:50 PM](#) Council Member Sheldon Stewart said the development would infuse more money into Jordan School District.

[8:34:32 PM](#) Jason Lethbridge, Planning Manager explained that the City had an RM-12 Zone available but it was never used anywhere in the City. When the RM-14 Zone was adopted, the RM-12 Zone was removed so zoning goes from RM-8 to RM-14. He said the RM-12 Zone could be restated following a process, which would take approximately one month.

[8:36:21 PM](#) Mayor Applegarth presented the possibility of tabling the issue to a future meeting or re-instating the RM-12 Zone text into City Code at a future Council Meeting.

[8:36:47 PM](#) Council Member Sheldon Stewart asked if the same thing could be accomplished with an SD on the RM-14, Special Designation.

[8:36:50 PM](#) Jason Lethbridge said that Mr. Stewart was correct and an SD designation would limit the density.

[8:37:47 PM](#) Council Member Sheldon Stewart requested further clarification on the setbacks.

[8:37:58 PM](#) Jason Lethbridge, Planning Manager stated that the ordinance did not restrict the height to 25 feet and the maximum height in the RM-14 Zone was 35 feet. He said what the applicant was referring to was a minimum setback from the property line of 25 feet and then one foot for every foot in building height.

Ordinance No. 15-11 – Rezoning 8.8 acres located at approximately the North West corner of 1300 West 12600 South from R-4 and C-G to RM-14, (Residential Multi-Family with 14 units per acre maximum density)

[8:38:58 PM](#) Council Member Trent Staggs **MOVED** that the City Council approve **Ordinance No. 15-11** – Rezoning 8.8 acres located at approximately the North West corner of 1300 West 12600 South from R-4 and C-G to RM-14, Special Designation with the lots to the north and west border of the development property having 25 ft rear setback requirements

25 ft max height requirement and private yard requirement similar to an RM-8 with an overall density not to exceed 12 units to the acre and amend the Riverton City General Plan from Community Commercial to Medium Density Residential. Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. [8:41:28 PM](#) Broker Martin Hoke asked if the office building to the west would remain a CPO. [8:42:07 PM](#) Council Member Paul Wayman commented on the citizens' concerns and said he would be more supportive of an RM-8 Zone. [8:42:44 PM](#) Council Member Trent Staggs said it was clear that the residents were in favor of residential over commercial and he felt the motion had the ability to compromise with a minimal impact with those properties on the north and west. Mayor Applegarth called for a roll call vote. The vote was as follows: Johnson-No, Staggs-Yes, Stewart-Yes, Tingey-No, and Wayman- No. **The motion failed 3 to 2.**

3. Public Hearing - Proposed amendments to Riverton City Code Section 18.10.070, 'Real property to be kept clean', Amendments proposed by Riverton City

[9:00:52 PM](#) Jason Lethbridge, Planning Manager, explained that the City Council had previously discussed concerns with current language regarding landscape and property maintenance requirements for Riverton City. He said, based on that discussion, staff prepared an amendment to Section 18.10.070, Real Property to be kept clean, which expanded the requirements for landscaping and property maintenance. He said presented the proposed amendment as follows:

8.10.070 Real property to be kept clean.

~~It shall be unlawful for any person owning or occupying real property to allow weeds to grow or exist on such property in violation of this chapter, or not to remove from any such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from the ordinance enforcement officer as hereinafter provided.~~

~~(1) Individuals, whether as owner, lessee, tenant, occupant or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials, except as indicated below. Landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance at all times. Landscaping shall be mowed, groomed, trimmed, pruned and watered according to waterwise conservation guidelines to maintain healthy growing conditions and not detract from the appearance of the immediate neighborhood. Landscaping shall be kept virtually free of insects and disease, and shall be kept free from weeds and other volunteer plants. Irrigation systems shall be maintained so as to eliminate water loss due to damaged, missing or improperly operating sprinkler system components. All unhealthy or dead plant material shall be replaced within six (6) months, or the next planting period (spring or fall), whichever comes first; while other defective landscape features shall be removed, replaced or repaired within three (3) months.~~

~~(12) Except that where~~ Where due to the size, location, proximity to buildings, accessibility or other circumstances regarding certain real property an inspector determines that weeds on such property, which would otherwise constitute a violation of RCC 8.10.090, do not create a serious nuisance or fire hazard, or that requiring the removal of such weeds is deemed impractical, an inspector may:...

[9:02:42 PM](#) Council Member Trent Staggs asked if the proposed language conflicted with other sections of the ordinance.

[9:04:02 PM](#) City Attorney Ryan Carter stated that the six inch height was an important standard to leave in the ordinance.

[9:06:56 PM](#) Council Member Paul Wayman said the proposed ordinance would be very difficult to enforce. He said that it was not equitable and it was forcing people to do things that might be out of their control. He suggested adding language stating that if people were unable to comply, the City could have some type of community services group or the community itself perform the clean up to help out.

[9:09:00 PM](#) City Attorney Ryan Carter stated that the ordinance would be applied when someone has “landscaped” a property, or had taken it from rural farmland to a finished product with landscaping. He also stated that the standard of “virtually free” was common language in all city codes. From a prosecution standpoint, the City would be concerned with violations of an obvious and egregious type.

[9:11:37 PM](#) Council Member Tricia Tingey said she was concerned that it might be burdensome on the elderly.

[9:12:54 PM](#) Council Member Sheldon Stewart asked about the need to cross reference the ordinance with roads, views or engineering requirements regarding line of sight.

[9:13:30 PM](#) Mayor Applegarth opened the public hearing.

[9:13:43 PM](#) Karol Haney, resident who initiated the issue, said she did so because she lived in a neighborhood where many houses were in violation of the current landscaping ordinance. Her neighbor asked for help to clean up his overgrown yard, neighbors pitched in, and he failed to maintain it. She urged the Council to pass the ordinance.

[9:18:47 PM](#) Phil Staggs said he was disappointed in the overgrown weeds and unkempt lawns in the City. He urged the Council to act and take more pride in the City.

[9:20:45 PM](#) Mr. Haney said his property value had suffered because some of his neighbors do not take care of their yards.

[9:21:10 PM](#) John Herman spoke of trash and junk items left in people’s yards.

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

[9:21:44 PM](#) Council Member Sheldon Stewart said that any concerns regarding the elderly residents who might have trouble complying with the ordinance could be addressed but many other violations were because the owner no longer lives on the property, which has become a rental property.

[9:23:17 PM](#) Council Member Brent Johnson said that many of the violations discussed were habitual and do not meet current code, which has caused frustration for the Code Enforcement Officer.

[9:24:45 PM](#) Mayor Applegarth discussed the legal process, which he said becomes a difficult and long process.

[9:25:40 PM](#) Jeff Hawker, Assistant City Manager, said once a violation has been established, the owner had ten days to comply before a notice was issued. If a property was in violation but found to be vacant, the City could abate the property after thirty days. If a property was in violation but found to be occupied, the City Prosecutor then proceeds with the process.

[9:26:43 PM](#) Council Member Paul Wayman recommended a type of “circuit breaker” language in the ordinance, which would allow the City to be similar to the County, which would take into consideration hardship cases and make a judgement call prior to involving the court.

[9:29:13 PM](#) Council Member Trent Staggs reminded Council that during the budget process Code Enforcement requested a part time employee to assist with weed abatement. He felt there were underutilized funds that could help staff with weed abatement.

[9:30:22 PM](#) Jeff Hawker explained that the City has used seasonal employees in the past; however, if there were a violation that required a witness, it was difficult to get them to appear in court. He also said the weed abatement account had been \$20,000 and had been reduced to \$10,000 in the current budget.

[9:31:43 PM](#) Finance Director Lisa Dudley confirmed that the weed abatement item had been \$20,000 each year but it was recently reduced to \$10,000.

[9:32:23 PM](#) City Public Works Director Trace Robinson said he had hired two seasonal employees to assist with weeding, and sign removal.

[9:34:42 PM](#) Mayor Applegarth said one more full time Code Enforcement Officer would help to increase enforcement and could be discussed as a budgetary item.

Ordinance No. 15-12 – Amending Riverton City Code Section 18.10.070, ‘Real Property to be kept clean’

[9:35:00 PM](#) Council Member Trent Staggs **MOVED that the City Council adopt Ordinance No. 15-12 – Amending Riverton City Code Section 18.10.070, ‘Real Property to be kept clean’, as described in Exhibit “A”.** Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. Council Members Staggs and Wayman discussed the possibility of including special needs language at the bottom of the notice of violation. Council Member Stewart felt the motion was appropriate; however, he suggested providing information to people with special needs regarding assistance. Mr. Staggs suggested that key language in the ordinance was “not to detract from the appearance of the immediate neighborhood”, which would provide the level of discretion needed. Mayor Applegarth called for a roll call vote. [9:37:46 PM](#). The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman- Yes. **The motion passed unanimously.**

4. Public Hearing - Proposed Amendments to Riverton City Code Section 6.05, Animals, Establishing a ‘Hobby License’, Amendments proposed by Riverton City

[9:39:51 PM](#) Jason Lethbridge, Planning Manager, explained that Riverton City, prior to establishing a contract for Animal Control Services with Salt Lake County, had in its ordinance a ‘Hobby License’ for raising household pets. He explained that a Hobby License lets breeders keep a certain number of pets above the maximum allowed household pets, under certain requirements. When Riverton City contracted with Salt Lake County for Animal Control Services, several sections of ordinance, including the section regarding Hobby Licenses, were repealed and Riverton City no longer issues or allows Hobby Licenses. He said a question was asked if the ordinance could be adopted back into City Code to once again to allow Hobby Licenses.

Mr. Lethbridge said the Agenda Item was noticed for a Public Hearing and staff recommended hearing public comment. Staff also recommended tabling the ordinance to the September 1st City Council Meeting, at which time Staff would finalize the ordinance language with all affected departments and present it for approval at that meeting.

[9:42:10 PM](#) Council Member Brent Johnson **MOVED that the City Council Table Ordinance No. 15-14 - amending Riverton City Code Section 6.05 establishing a “Hobby License” to the September 1, 2015, City Council Meeting.** Council Member Tricia 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.**

MOVED TO ITEM 3.6 Treasure Estates

6. Final Plat Subdivision, Treasure Estates Subdivision Phase 2, 12000 South 1500 West, R-3 Zone, 22 Residential Lots, Marvin Hendrickson, Applicant

[9:43:23 PM](#) Jason Lethbridge, Planning Manager, explained that Marvin Hendrickson submitted an application requesting 9.4 acres located at approximately 12000 South 1500 West be subdivided. He said the property was zoned R-3 (Residential 14,000 square foot lots) and the property to the north was zoned R-3 and RR-22 (Rural Residential ½ Acre Lots). He said property to the west was zoned R-3 and R-4 (Residential 10,000 square foot lots) and property to the south was also zoned R-3. He said that east of the property on the adjacent side of the canal, property was zoned RR-22.

Mr. Lethbridge said the applicant proposed to subdivide 9.4 acres into 22 single family residential lots larger than 14,000 square feet. He said each new lot within the proposed subdivision met the minimum lot width, frontage and square footage requirements of the R-3 zoning ordinance. He said there were no animal rights associated with the R-3 zoning and there were no storm water management ponds in the proposed subdivision.

Mr. Lethbridge said on April 23, 2015, the Planning Commission voted to recommend approval of the site plan application with the following conditions:

1. Storm drainage systems and installation shall comply with Engineering Department requirements and standards.
2. Any and all irrigation ditches associated with the property be addressed, with disposition of the irrigation systems approved by Riverton City and the proper irrigation company or users.

3. The subdivision shall comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
4. Six foot solid fencing along all lots adjacent to the canal.
5. Provide evidence of the necessary easements.
6. Record a boundary survey.
7. Comply with remaining minor redlines.

9:45:29 PM Council Member Brent Johnson **MOVED** that the City Council approve **Application No. 13-1008, Treasure Estates Phase 2, located at 12000 South 1500 West, with the conditions outlined in the Staff Report.** Council Member Trent Staggs **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. DISCUSSION/ACTION ITEMS

1. Final Plat Approval, Midas Crossing Phase 2, 11800 South 2700 West, 30 lots, Ivory Development, LLC, Applicant

9:46:06 PM Jason Lethbridge, Planning Manager, Ivory Development, LLC, submitted an application for Final Plat approval for the Midas Crossing Phase 2 Subdivision. He said the application was for 39 lots within the Midas Crossing Development, located at approximately 11800 South 2700 West. He said that development was zoned R-4-SD, with the 'SD' designation requiring a mix of 1/3 and 1/4 acre lots.

Mr. Lethbridge said this was the second phase of development within the subdivision, and it was on the south west portion of the overall development area. He said Staff reviewed the subdivision and found it in compliance with the technical requirements of Riverton City's standards and ordinances.

Mr. Lethbridge said that on July 9, 2015, the Planning Commission voted to recommend approval of the subdivision application with the following conditions:

1. This phase of the subdivision comply with the overall requirements of the approved preliminary plat, including the SD designations relating to lot size requirements.
2. Any and all required fencing be installed prior to the issuance of building permits for this phase.
3. Storm drainage systems and accommodation comply with Riverton City standards and ordinances, and with the recommendations of the Riverton City Engineering Division.
4. 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.
5. The site and structures comply with any and all applicable Riverton City standards and ordinances, including staff review requirements and the International Building and Fire Codes.

9:47:11 PM Council Member Trent Staggs **MOVED** that the City Council approve the **Midas Crossing Phase 2 Final Plat, Application Number PL-15-1003, located at approximately 11800 South 2700 West, with the conditions outlined in the Staff Report.** Council Member Tricia 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.**

2. Single Phase Subdivision, The Creek at Lovers Lane, 3 Lots, 13270 South Lovers Lane, RR-22 Zone, Ridge at Lover’s Lane LLC, Applicant

[9:48:33 PM](#) Jason Lethbridge, Planning Manager explained that The Ridge at Lovers Lane LLC submitted an application requesting subdivision of land located at 13270 South Lovers Lane. He said the property was zoned RR-22 (Rural Residential ½ acre lots) and it was surrounded by properties zoned RR-22 and R-1 (Residential 1 acre lots). He said all surrounding land uses were compatible land uses.

Mr. Lethbridge said the applicant has proposed to subdivide one parcel totaling 4.6 acres into three smaller lots. Lots one and two would be located on the southern portion of the subdivision and parcel A, the largest parcel would be preserved for future subdividing. He said Lots 1 and 2 were both larger than 22,000 square feet and exceeded the minimum requirements for lot width and frontage as required by the RR-22 zoning district. He said each lot would have frontage onto Lover’s Lane, a publicly owned and maintained right-of-way.

Mr. Lethbridge said on July 9, 2015, the Planning Commission voted to recommend approval of the subdivision application with the following conditions:

1. Storm drainage systems and installation shall comply with Engineering Department requirements and standards.
2. Any and all irrigation ditches associated with the property be addressed, with disposition of the irrigation systems approved by Riverton City and the proper irrigation company or users.
3. The subdivision shall comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
4. Provide a copy of the U.S. Army Corps of Engineers permit application.
5. The approved plans shall match the U.S. Army Corps of Engineer’ application.
6. [The project shall] comply with all conditions on the U.S. Army Corps of Engineers application.
7. Addressing minor redline comments on the subdivision plat and submitting four sets of properly signed and stamped plat and drawings.

[9:50:33 PM](#) Council Member Tricia Tingey **MOVED that the City Council approve Application No. 14-1001, The Creek at Lovers Lane Subdivision, located at 13270 South Lovers Lane, with the conditions outlined in the Staff Report.** Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion.

[9:50:52 PM](#) Council Member Trent Staggs asked about a document from U.S. Army Corps of Engineers. 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.**

3. Site Plan, Our Journey School DBA Montessori at Riverton, 1646 West 13200 South, C-N Zone, Emily Aune, Applicant

[9:51:32 PM](#) Jason Lethbridge, Planning Manager explained that Emily Aune submitted an application requesting site plan approval for the development of physical infrastructure for a

private school at 1646 West 13200 South. He said the property was zoned C-N (Commercial Neighborhood) and RR-22, and was currently occupied by several structures. He said the property to the west was zoned RR-22 (Rural Residential ½ acre lots) as was the property to the east; however, the property to the west, adjacent to Redwood Road, included vacant property and an existing legal nonconforming commercial business, Barrett's Blossoms. The property to the north was also zoned RR-22.

Mr. Lethbridge said the application was primarily for the installation of a parking/turn-around area on the site. The parking area included 23 parking stalls, and queuing space for up to 30 vehicles. He said that one of the conditions under the C.U.P. was for parking and stacking to occur off-street, and the parking area would allow for that to occur with the projected capacity of the school. The parking area also included a bulb at the north end to accommodate turn-around movement for vehicles.

Mr. Lethbridge said that on July 9, 2015, the Planning Commission voted to recommend approval of the site plan application with the following conditions:

1. The site and infrastructure shall comply with any and all requirements of the approved Conditional Use Permit(s).
2. Fencing on the north property line shall consist of solid core decorative concrete fencing at a minimum height of six (6) feet.
3. Storm water management on site, including the proposed storm water pond, be constructed in accordance with a design approved by the Riverton City Engineering Department.
4. Any and all irrigation ditches, weirs, etc. on or associated with this site be addressed in compliance with Riverton City standards and ordinances, and as approved by the appropriate water company/ditch master.
5. Construction of the parking lot and associated infrastructure not commence until final approval of the technical drawings.
6. The site and structures comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.

[9:57:32 PM](#) Josh Aune, a volunteer board member of Our Journey Montessori School, said they had a successful first year and have typical as well as special need children attending.

[10:01:52 PM](#) Bruce Baird, Attorney, discussed compatible as well as non-compatible fencing requirements established by the City. He stated the application from Our Journey had been submitted prior to the recent Ordinance change. He discussed the neighboring properties with animal rights and a request from the owners of Our Journey for a one year extension on the City's fencing requirement.

[10:03:58 PM](#) Council Member Brent Johnson mentioned the disrepair of the barn on site and felt the installation of the fence could be deferred for one year, as long as the children were being protected from exposure to the parking lot, or the field east of the parking lot without supervision.

[10:05:41 PM](#) Josh Aune stated that chain link fencing had been installed on the property and that the barn was used for storage only, which the kids did not have access to. He also stated there was fencing between the play area and the parking lot.

10:07:56 PM Council Member Brent Johnson **MOVED** that the City Council approve the Site Plan for the Montessori School located at 1646 West 13200 South, with the conditions outlined in the Staff Report with the modification of Item No.2, allowing half of that fence to be constructed under the conditions agreed upon by the owner of Montessori and the residents to the north. Council Member Trent Staggs **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. Resolution No. 15-62- Adopting Rules of Order and Procedure for Public Meetings of the Riverton City Council

10:09:54 PM City Attorney Ryan Carter explained that the Utah State Legislature passed House Bill 267 in the 2011 General Session, which requires political subdivisions to adopt Rules of Order and Procedure. The Rules of Order and Procedure for public meetings of the Riverton City Council have been prepared and were provided to the Council. He said House Bill 267 required that the Rules of Order and Procedure generally address the following (3) issues:

1. Rules of Parliamentary Order and Procedure
2. Ethical Behavior; and
3. Civil Discourse

Mr. Carter said that, once adopted, the Rules of Order and Procedure could be amended by the City Council from time to time. He said the Council could consider whether they would like to adopt a resolution authorizing standards by which the Council would entertain providing its advice and consent to the Mayor's appointment of individuals to administrative positions. He said the City Attorney's Office drafted the following set of standards for the Council to consider:

—3.15

3.15 Granting Advice and Consent for Appointment of Nominees to Administrative City Positions

- 1. Overview. Riverton City provides municipal services through the operation of several different public City department. Generally, each department operates under an Administrative Department Head who serves as the administrator for the appurtenant department. Moreover, positions such as the City Engineer, the City Treasurer and the City Recorder are required to be appointed by the Mayor, with the advice and consent of the City Council [See Utah Code Section 10-3-916]. Therefore, in all instances where an-City public official is to be appointed by the Mayor, and the Mayor is either required by law to obtain the advice and consent of the City Council, or otherwise solicits the advice and consent of the City Council before appointment, the following guidelines should be followed before the City Council is presented with a nominee for appointment to an Administrative City Positions.**
 - a. Screening of Nominees by the Mayor. Some quantum of information should be supplied by the Mayor's office to account for the process which the Mayor used to consider persons eligible to become a nominee for the appointed position. Such information should include, at a minimum: 1) a statement describing the efforts undertaken by the City to inform interested persons that an appointed position is open for eligible candidates to submit an application**

for employment; and 2) the number of applicant's screened for the appointed position.

b. Statement of Qualifications for Mayor's Nominee. Some information should be provided which accounts generally for the professional qualifications of the nominee, and why said qualifications make the nominee suitable for the available administrative position.

c. Availability of Nominee for Questioning by the City Council. The Nominee must be presented to the City Council during a regularly scheduled meeting of the Council for questioning regarding the Nominee's appointment to the available position.

d. Adoption of a Resolution Granting Consent to Appointment. The City Council shall express its granting of consent, or withhold the same as the case may be, by adoption of a resolution to be presented to the Council at the meeting wherein the nominee is presented to the Council for consideration

10:17:26 PM Council Member Tricia Tingey **MOVED** that the City Council approve **Resolution No. 15-62 - adopting Rules of Order and Procedure to provide guidelines for providing advice and consent to appointment of administrative positions by the Mayor with the striking of the word "City" from section 3.15 subsection 1.** Council Member Paul 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-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

5. Process for choosing a Riverton Historical Society and potential funding

10:19:33 PM Council Member Paul Wayman said that volunteers were very important in the City and there were volunteers in a Historical Society that wanted to keep track of what was happening in the City and they want to apply for grants. He said he would like to see the City recognize the Historical Society and fund the group with \$1,000.

Council Member Tricia Tingey said the item was only to select a process for creating a Historical Society, not the actual group.

Council Member Paul Wayman said a society already existed and the item could be put on the September 1st agenda.

10:22:14 PM Council Member Sheldon Stewart said that he was in favor of supporting a Historical Society; however, he said that the requirements needed to be discussed and established first. His concern was that the current group was using historical items that were given to them by the City, which had then been used to portray the City in a negative light. He spoke in support of a Historical Society but not a group who promotes a negative atmosphere within the City.

10:23:13 PM Council Member Trent Staggs asked if the Historical Society was responsible to become accredited on their own or if that was the City's responsibility.

10:23:48 PM City Attorney Ryan Carter said that in the June 16, 2015 Budget Meeting, Council decided to fund a Historical Society with the caveat that the Historical Society be approved by

the Council, which was both incorporated with the State of Utah and accredited with the State Historical Society, and was open to a Council Audit.

Mr. Carter explained the Utah Division of State History has outlined a clear process on their Heritage.Utah.Gov website for a Certified Local Government (CLG). They do not have a process for recognizing accredited private nonprofit entities, which there was a misunderstanding about the process for some time. He said for many years the City had been aware that there was a nonprofit entity in existence in Riverton City. The City's history demonstrated that at one time Riverton City was a CLG. Steps that were required by the State were followed to become a CLG, which are totally different from creating a nonprofit entity. Mr. Carter explained that to become a CLG, a Historic Preservation Ordinance needs to be adopted. In order to carry out the administrative functions required under that ordinance such as cataloguing historic sites, documenting historic buildings before they are destroyed, etc., which are some of the things the ordinance requires the City Staff to do operating through a commission or a committee. The commission or committee would then be appointed by the City to carry out the functions. If all these requirements from the Utah State Division of History are performed, you become a CLG.

Mr. Carter said Riverton City adopted an ordinance at one time and organized a commission or group of volunteers, including Mr. Bashore, Mr. Crump and others. The original CLG Commission Members were simultaneously also on a nonprofit entity board and served dual functions. The function of the nonprofit entity at that time, which was in 1984, was to serve as a wing by which people could comfortably provide charitable donated funds for programing that would be operated by both the nonprofit entity and Riverton City's Historic Commission. As far as the State is concerned they recognize municipalities who are CLG's.

[10:28:33 PM](#) Council Member Trent Staggs **MOVED that the City Council Table this item to the September 1st Council Meeting, then modified it to the October 1st meeting.** Council Member Sheldon Stewart **SECONDED** the motion. [10:29:20 PM](#) Mayor Applegarth called for discussion on the motion. [10:30:43 PM](#) 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. CONSENT AGENDA

[10:32:35 PM](#) Mayor Applegarth presented the following Consent Agenda:

1. **Minutes:** N/A
2. **Bond Releases:**
 1. Villages at Park Avenue (West) Phase 1 – 100% Warranty
 2. Holy Trinity Lutheran (Landscaping) Church – 90% Performance
 3. Summerwood Estates Phase 4 – 100% Warranty
3. **Resolution No. 15-59** - Approving the execution of a Stormwater Easement between Riverton City and PacifiCorp – Trace Robinson, Public Works Director
4. **Resolution No. 15-60** – Ratifying the approval of a Change Order given to England Construction to complete the Margaret Park Subdrain Project – Craig Calvert, Purchasing Manager
5. **Resolution No. 15-61** - Ratifying an emergency purchase to Widdison Turbine

Service to repair the Hill Well Booster Pump - Craig Calvert, Purchasing Manager

[10:32:42 PM](#) Council Member Tricia Tingey **MOVED** that the City Council approve the **Consent Agenda** Council Member Brent 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.**

5. STAFF REPORTS

Lance Blackwood, City Manager,

6. ELECTED OFFICIAL REPORTS

Mayor Applegarth – No Report.

Council Member Johnson - No report.

Council Member Staggs [10:33:18 PM](#) said he would like the Council to review the zoning for the remaining properties near the park. He thanked staff for working with Margaret Park issues.

Council Member Stewart [10:35:43 PM](#) thanked staff for help with trees near Monarch Meadows. He then discussed some landscaping issues on Morning Cloak.

Council Member Tingey [10:36:33 PM](#) discussed issues regarding the current four (4) foot fences located near the homes in Oxford Farms. The citizens in the area are requesting six (6) foot privacy fences. She said originally the space was to be left open and now there are trails and homes. She said they are feeling vulnerable and are requesting an amendment to the original site plan fencing requirement. She then thanked Trace Robinson and staff for helping with trails in District 2. She was very pleased with the activities in the new park and commended Parks and Recreation for their programming work.

Council Member Wayman [10:38:27 PM](#) reported that he attended the art exhibit and open house at the Dome Meeting Hall and was pleased. He said he would like another open house regarding the potential Trax route on 12600 South. [10:38:59 PM](#) Mayor Applegarth said that there are two more scheduled UTA Trax Open Houses scheduled, one in October and another in January with additional information available at “What’s’ Up in Riverton” in September. He said UTA is also scheduled to return to the City Council with information and a report in early February.

7. UPCOMING MEETINGS

Mayor Applegarth reviewed the following upcoming meetings:

1. August 25, 2015 – Regular City Council Meeting – 6:30 p.m. - Canceled
2. September 1, 2015 – Regular City Council Meeting – 6:30 p.m.
3. September 15, 2015 - Regular City Council Meeting – 6:30 p.m.

8. ADJOURN

10:41:36 PM Council Member Sheldon Stewart **MOVED to adjourn**. Council Member Brent Johnson **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 10:41 p.m.

Approved: CC 09-22-15