

Riverton City
REGULAR CITY COUNCIL MEETING
Minutes
May 3, 2016

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:

Lance Blackwood, City Manager
Virginia Loader, Recorder
Ryan Carter, City Attorney
Jason Lethbridge, Planning Manager
Trace Robinson, Public Works Director
Sheril Garn, Parks & Public Services Dir.
Rosie Rivera, Riverton Precinct Chief
Mike White, UFA Battalion Chief
Lisa Dudley, Administrative Services Director
Angela Trammell, Communications Manager

A. GENERAL BUSINESS

1. Call to Order and Roll Call

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.

Pledge of Allegiance – Heber, a Boy Scout, led the Pledge of Allegiance.

1. Presentations/Reports

a. Recognition of Boy Scout Troops

Mayor Applegarth recognized Boy Scouts that were in attendance.

b. Mayoral Proclamation – Water Week 2016

Mayor Applegarth read a Proclamation proclaiming May 1-7, 2016, as “Water Week” and encouraging all residents to acquaint themselves with the issues involved in providing water and to recognize the contributions that water workers make every day to our health, safety, comfort and quality of life.

c. “Push to Survive” Campaign

Council Member Sheldon Stewart explained a “Push to Survive” campaign. Mike White, UFA Battalion Chief, further explained that the campaign was targeted at reducing the mortality rate of Out of Hospital Cardiac Arrest (OHCA) for the citizens of Salt Lake County. He said there would be an Open House at UFA Fire Station 121, located at 4146 West 12600 South, providing free Hands-Only CPR training to the citizens of Riverton, Herriman and neighboring communities. He said "Push to Survive" would be delivered on an on-going rotation at the station on June 1st, 7th, 13th, 20th and 25th from 6:00 to 7:00 pm.

UFA firemen assisted the City Council and Staff with a hands on experience in Hands Free CPR Training.

Council Member Brent Johnson spoke of a lifesaving incident he was involved in and encouraged the Boy Scouts to obtain their life saving merit badges.

Mayor Applegarth complimented the UFA and the Riverton Fire Stations on their quick emergency response times.

d. Riverton Choice Awards for Excellence in Education – Oquirrh Hills Middle School

Council Member Paul Wayman presented the Riverton Choice Awards for Excellence in Education for the following Oquirrh Hills Middle School students: Brooke Ballard - 9th Grade, Michael Westberg - 9th Grade, and Mrs. Natalie Bartholomew - 7th, 8th and 9th Grade Counselor.

2. Public Comments

Mayor Applegarth called for public comments; there being none, he closed the public comment period.

B. PUBLIC HEARINGS

1. Ordinance Amendment - Amending Section 18.135.020, Zoning Amendments, Addressing Requirements for Submittal of Rezone Applications and Required Public Noticing

Jason Lethbridge, Development Services Director, explained proposed ordinance amendments to the reapplication process for rezone applications, and to the required noticing for such applications. He said the proposed amendment implemented a restriction on reapplication for denied rezone requests for a period of one year, and included changes to the required notification area for affected properties of a rezone application.

Mr. Lethbridge said on March 10, 2016, the Planning Commission recommended approval of the proposed ordinance amendment:

“Before adopting any amendment to this title the city council shall hold a public hearing. Notice of the

time and place of the hearing shall be given by at least one publication in a newspaper of general circulation in the city, at least ~~15~~ 14 days before the hearing. The cost of publication shall be paid by the applicant for the zoning change. Labels acquired through the Salt Lake County Recorder's Office for the required notification to adjacent property owners shall be provided by the applicant, and the applicant shall take responsibility for providing accurate and complete mailing lists.

On any property requested for rezoning (except for rezoning initiated by the city to implement general planning objectives), the applicant shall be required to post the property in question with a notification of rezoning which states the zone classification being requested and the time and place of public hearing. The signs shall be obtained from the city and be posted at ~~500-foot~~ appropriate intervals around the property and on all corners at least ~~15~~ 14 days prior to the public hearing. All adjacent property owners and all owners within ~~1,000~~ 300 feet shall be notified ~~15~~ 14 days prior to the date of the hearing. Mailed notification shall comply with requirements set forth by the city. Cost and responsibility of such posting and notification shall be borne by the applicant.

18.135.025 Reapplication following denial of rezone application.

Following denial of a rezone application by the City Council, an identical application for rezone will not be accepted for a period of one year from the date of denial. Zone changes initiated by the City are not subject to this regulation. Upon reapplication, the applicant for the same rezone request which was denied in a prior year shall be required to pay application fees as established by the City Council."

Discussion was held regarding the language "identical application" above and City Attorney Ryan Carter explained that a rezone reapplication could be eligible from something slightly different than the original rezone application because the focus of the application was in regards to a property and not the applicant.

Discussion was briefly held regarding reapplications for an SD designation.

Council Member Paul Wayman recommended that all property owners within 1,000 feet be notified rather than within 300 feet, and he said there was more value in notifying more property owners of a rezone.

Mayor Applegarth opened a Public Hearing and called for public comments; there being none, he closed the Public Hearing.

Ordinance No. 16-10 – Amending Section 18.135.020, Zoning Amendments, Addressing Requirements for Submittal of Rezone Applications and required Public Noticing, and adopting Section 18;135,025, reapplication following a Denial of Rezone

Council Member Trent Staggs **MOVED** the City Council approve **Ordinance No. 16-10** – Amending Section 18.135.020 of the Land Use Code, and adopting Section 18.135.025, as described in Exhibit "A" also inserting after an identical application "to rezone the use of the property, without regard to applicant,". Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion;

Paul Wayman made a **SUBSTITUTE MOTION** and **MOVED** the City Council approve **Ordinance No. 16-10** – Amending Section 18.135.020 of the Land Use Code, and adopting Section 18.135.025, as described in Exhibit "A" also inserting after an identical application, "to rezone the use of the property, without regard to the applicant," and keeping the

notification requirement at 1,000 feet rather than 300 feet. 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-No, Tingey-Yes, and Wayman-Yes. **The motion passed 4 to 1.**

2. Section 18.63, Historic Preservation Ordinance

Ryan Carter, City Attorney, explained that since the early 1980's Riverton City had undertaken efforts to preserve its history. He said the City adopted an ordinance like the one being presented; assembled a committee of volunteers to research its history; financed the publication of a book describing Riverton City's History; and funded the preservation of buildings such as Riverton City Hall, and the Crane Home. In years past, the bulk of the work was performed by a committee of volunteers operating under the City's direction.

Mr. Carter said that Riverton City also once held the status of a Certified Local Government ("CLG") in the eyes of the Utah Division of State History. To become a CLG, he said a municipality must approve a historic preservation ordinance, and appoint a committee commonly known as an historic preservation commission. Achieving the status of a CLG would enable the City, and by extension, residents who own structures/sites of historic significance, to receive limited grant funds from the State of Utah to assist in preservation of those resources. He said the fiscal impacts of the enactment had not been studied to the extent necessary to understand the level of administrative resources needed in support of any forthcoming Historic Commission.

Roger Roper, a representative of the Utah Division of State History, presented information and addressed questions regarding the benefits of historic preservation and a CLG. In response to Council Members, Mr. Roper said that a five to seven member historic preservation commission could serve the City well. He said that historic commission members should include interested citizens that have historic preservation experience.

Brief discussion was held regarding the property owner versus the commission's designation of structure/sites of historic significance.

Mayor Applegarth opened a Public Hearing and called for public comments; there being none, he closed the Public Hearing.

Mayor Applegarth recommended that the City Council oversee the selection process of the members of the historic preservation commission rather than the Mayor.

Mr. Carter suggested language for the appointment of members to the historic preservation commission much like that of the Planning Commission. Mr. Carter will include language in the ordinance and bring a final draft for ratification on a Consent Agenda for approval. Council Member Stewart then recommended the historic preservation commission meet, at a minimum, on a quarterly basis.

Ordinance No. 16-11 - Amending Title 18, adding Chapter 63 for Preservation of Historic Structures and Sites in Riverton City

Council Member Trent Staggs **MOVED** the City Council approve **Ordinance No. 16-11 – Amending Title 18 of the Riverton Municipal Code to preserve historic structures and sites in Riverton City and adding to Title 18.64.030 the appointment, procedures as discussed by Ryan Carter to bring back for ratification on Consent Agenda, with a friendly amendment from Council Member Stewart specifying meeting at a minimum of quarterly or more frequent as dictated by the historic commission.** Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; Trent Staggs spoke in favor of the proposed ordinance. Mayor Applegarth then called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The passed unanimously.**

3. Rezone, Two properties totaling .66 acres located at 12580 & 12570 South 2200 West from RR-22 (Rural Residential ½ Acre Lots) to C-D (Commercial Downtown), Ceasar and Laura Procnier, Applicants

Jason Lethbridge, Development Services Director, explained that Caesar and Laura Procnier submitted an application requesting that two properties located at 12580 and 12570 South 2200 West be rezoned from RR-22 (Rural Residential ½ Acre Lots) to C-D (Commercial Downtown). He said properties to the north were zoned RR-22 and property to the east was zoned RM-8-D (Residential Multi- Family 8 Units per Acre Downtown) and C-D. South of the subject property the zoning was C-D and west of the property on the adjacent side of the canal property was zoned RM-8 and C-G (Commercial Gateway).

Mr. Lethbridge said the applicant was the owner of Broomhead Funeral Home, located just south of the properties that were proposed for rezoning. He said the rezoning was requested by the applicant in order to facilitate the expansion of the existing business, construct some accessory detached buildings and enlarge the parking lot area.

Mr. Lethbridge said that on April 14, 2016, the Planning Commission recommended approval of the ordinance amendment.

Mayor Applegarth opened a Public Hearing and called for public comments:

Tom Shipley said he lived next to the proposed property rezone and said the proposal would be a great improvement to the street and that he was very much in favor of proposal.

There being no further comments, Mayor Applegarth closed the Public Hearing.

Mayor Applegarth spoke in favor of Broomhead and thanked them for their vision and service to the community.

Council Member Tingey said she liked that Broomhead's had talked to their neighbors about their proposal; she also liked that congestion would be alleviated in that area and she felt they had the best interest in the community in mind.

Council Member Tricia Tingey **MOVED the City Council approve Ordinance No. 16-12 – Rezoning .66 acres located at 12580 & 12570 South 2200 West from RR-22 to C-D.** Council Member Trent Staggs **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; Trent Staggs spoke in favor. BJ spoke in favor Mayor called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The passed unanimously.**

4. Ordinance Amendment, Rezoning 1.15 acres located at 2080 West 12600 South from RM-8-D (Residential Multi-Family 8 Units per Acre Downtown) to C-D (Commercial Downtown), Mark McCluggage, Applicant

Jason Lethbridge, Development Services Director, explained that Mark McCluggage submitted an application requesting that property located at 2080 West 12600 South be rezoned from its existing zoning of RM-8-D (Residential Multi-Family 8 Units Per Acre Downtown) to C-D (Commercial Downtown). He said property to the north was zoned RM-8-D and was currently under development as the Saddlebrook Residential Townhome Development; property to the east was zoned C-D and was currently utilized as a McDonald's restaurant and a Mountain America Credit Union. To the south, he said property was zoned C-D but was vacant, and to the west property was also zoned C-D.

Mr. Lethbridge said the applicant was proposing rezoning approximately 1.15 acres to C-D in order to make way for commercial development on the parcel. He said the property was currently zoned RM-8-D, which was a remnant zoning from a rezone application a few years back that made the way for the Saddlebrook Development. The developer of Saddlebrook did not use that portion of the property and was selling it for commercial development.

Mr. Lethbridge said that on March 24, 2016, the Planning Commission recommended approval of the ordinance amendment. He then addressed questions from Council Members regarding the proposal and shared access to the property.

Mayor Applegarth opened a Public Hearing and called for public comments; there being none, he closed the Public Hearing.

Ordinance No. 16-13 – Rezoning 1.15 acres located at 2080 West 12600 South from RM-8-D (Residential Multi-Family 8 Units per Acre Downtown) to C-D (Commercial Downtown), Mark McCluggage, Applicant

Council Member Sheldon Stewart **MOVED the City Council approve Ordinance No. 16-13 – Rezoning 1.15 acres located at 2080 West 12600 South from RM-8-D to C-D.** 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 passed unanimously.**

C. DISCUSSION/ACTION ITEMS

1. Resolution No. 16-20 - Tentatively adopting Tentative Budgets for the 2016-2017 Fiscal Year

Mayor Applegarth explained that the Council Members received the Tentative Budget for Fiscal Year 2016-2017, which was to be tentatively adopted by the City Council. He said the Tentative Budget would be reviewed and discussed and public hearings would be held prior to its final adoption.

Council Member Tricia Tingey **MOVED** the City Council approve **Resolution No. 16-20** – **Tentatively adopting Tentative Budgets for the 2016-2017 Fiscal Year**. 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 passed unanimously.**

D. CONSENT AGENDA

Mayor Applegarth presented the following Consent Agenda:

1. **Minutes:** RCCM 04-19-16
2. **Bond Releases:**
 - a. American Curb Cut – 90% Release
 - b. Riverton Market-Walmart – 100% Release
 - c. Riverton Park Plaza-(Karnam Office Complex) – 90% Release
3. Set Public Hearing Dates regarding the Tentative Budget for Fiscal Year 2016-2017 - (June 7, 2016, and June 14, 2016, at 6:30 p.m.)
4. Set Public Hearing Date regarding the proposed Municipal Fee Schedule for Fiscal Year 2016-2017 - (June 14, 2016, at 6:30 p.m.)
5. Set Public Hearing Date regarding the City's intent not to charge itself for any Riverton provided utility services (Culinary Water, Secondary Water, Sanitation, and Stormwater) used for municipal purposes - (June 14, 2016, at 6:30 p.m.)
6. Set Public Hearing Date regarding the Final Amended Budget for Fiscal Year 2015-2016 - (June 14, 2016, at 6:30 p.m.)

Council Member Sheldon Stewart **MOVED** that the City Council approve the **Consent Agenda**. 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.**

E. STAFF REPORTS

Lance Blackwood, City Manager, called for the following Staff Reports:

Chief Rivera said that she would present 1st Quarter UPD statistics at the May 17th City Council Meeting.

Angela Trammell, Communications Manager, reported that the new City website was live and she made a presentation of the website.

Mr. Blackwood reported on a water issue that occurred over the weekend, which involved a bad pipe in the water line on 1300 West.

Mr. Blackwood said that Code Enforcement Officer Bill Salmon and Asst. City Attorney Casey Taylor would talk about Code Enforcement at the May 17th City Council Meeting.

F. ELECTED OFFICIAL REPORTS

Mayor Applegarth reminded the Council Members of a South Valley Sanctuary breakfast on May 10th and encouraged all to participate.

Council Member Johnson gave a brief report of the Jordan Valley Water Conservancy District.

Council Member Staggs spoke of 1900 West traffic calming, ponds being filled by Roi Hardy Park, weed mitigation, tennis courts at Peggy Green Park, and landscape ordinance review.

Council Member Stewart spoke of a promotion ceremony for UFA employees. He formally apologized for not attending the Arbor Day event in his district and said he had been attending a Boy Scout Pow Wow the last three Saturdays. He then spoke of his involvement with the South Valley Sanctuary and the great service they render.

Council Member Tingey spoke of garbage that was not being picked up, and the overlay project at Oxford Farms, which will be completed before July. She commended the City's Code Enforcement Officers that cleaned up an area in her district. She said she would be attending UFA Fire School during the week.

Council Member Wayman thanked staff for their efforts with the South Hills Middle School walk way.

G. UPCOMING MEETINGS

Mayor Applegarth reviewed the following upcoming meetings:

1. May 10, 2016 – City Council Meeting – 6:00 p.m.
May 12, 2016 – City Council Meeting – 6:00 p.m.
2. May 17, 2016 – Regular City Council Meeting – 6:30 p.m.
May 17, 2016 – Regular City Council Meeting – 6:00 p.m. – If needed
5. June 07, 2016 – Redevelopment Agency Meeting – 6:20 p.m.
6. June 07, 2016 – Regular City Council Meeting – 6:30 p.m.
7. June 14, 2016 – Redevelopment Agency Meeting – 6:20 p.m.
8. June 14, 2016 – City Council Meeting – 6:30 p.m.
June 21, 2016 – Regular City Council Meeting – 6:30 p.m.

H. BUDGET DISCUSSION

1. Tentative Budget for Fiscal Year 2016-2017

Council Member Sheldon Stewart recommended that each Council Member study the Tentative Budget and identify fund and line items they would like to discuss and notify Finance Director Lisa Dudley by 8:00 a.m. Monday, May 9th, who would then schedule those items for discussion.

I. CLOSED SESSION

Strategy Session to discuss the purchase, exchange, or lease or sale of real property

Council Member Tricia Tingey **MOVED** that the City Council meet in a Closed Session for a **Strategy Session to discuss the purchase, exchange, lease or sale of real property**. Council Member Sheldon 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.**

Minutes of the Closed Session were taken and are now on file as a Protected Record.

J. ADJOURN

Council Member Sheldon Stewart **MOVED to adjourn**. Council Member Trent Staggs **SECONDED** the motion. Mayor Applegarth called vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.** The meeting adjourned at 9:25 p.m.

Approved: CC 05-10-16