

Riverton City
CITY COUNCIL MEETING
Minutes
June 28, 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, UPD Precinct Chief
Lisa Dudley, Administrative Services Director
Angela Trammell, Communications Manager
Mike White, UFA Battalion Chief

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 – Sheldon Stewart led the Pledge of Allegiance.

1. Presentations/Reports

a. Recognition of Boy Scout Troops

2. Public Comments

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

B. PUBLIC HEARINGS

1. Reconsideration of an ordinance rezoning approximately 14 acres located at 3150

West 13400 South from RR-22 (Rural Residential ½ acre lots) to R-3 (Residential 14,000 square foot lots), Lovell Development Group, Applicant

Jason Lethbridge, Development Services Director, explained that the following item was a reconsideration of a proposed rezone previously submitted by the Lovell Development Group requesting that property located at 3150 West 13400 South be rezoned from its existing zoning of RR-22 (Rural Residential ½ acre lots) to a new zoning designation of R-3 (Residential 14,000 square foot lots). He said the property was surrounded on the east, south and west by property that was zoned RR-22 and was utilized as single-family residential and agriculture. He said property to the north was zoned R-3 and was utilized as single-family residential.

Mr. Lethbridge said there were currently two stub streets that would provide access to development on the parcel. He said a stub existed at the North West corner of the property connecting to 3200 West and another existed at the north east corner at 13245 South. He said the stubs were left at those locations anticipating that the property would develop. Mr. Lethbridge said that 3200 West, which the City already owns a 30 foot right-of-way, was planned to connect to 13400 South. He said the right-of-way would be designed and approved with any subdivision development of the property.

Mr. Lethbridge said on April 28, 2016, the Planning Commission recommended denial of the rezone application and the City Council previously denied the application on May 17, 2016, but then voted to reconsider the zone change request.

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

Howard Schmidt, representing Lovell Development, proposed a Special Designation (SD) for the property and proposed minimum house sizes of 1800 sq. foot for ramblers and 2400 sq. foot for two-story houses, requiring all houses to have three car garages. He said his proposal was based on the resident's concerns and suggestions from Council Member Wayman. He also said that vinyl fencing would be installed on the north side of the property and a solid masonry eight foot tall would be installed on the east side of the property. He also said they would develop a maximum of a 30 lot density. He then said that Weldon Nolan, property owner to the West, had offered his support and gave Mayor Applegarth a signed document from Mr. Nolan supporting the proposed SD.

Dean Desmond said he lived at end of Forest Meadows Drive and expressed his concerns regarding traffic and safety. He asked about construction traffic, to which Public Works Director Trace Robinson said that 3200 West would be completed before construction began and it would provide the only access for construction equipment and vehicles. Mayor Applegarth said he would do everything in his power until the road was built to keep construction traffic out of the nearby areas. Dean then said that his wife was opposed to 1/3 acre lots.

Derrick Perkins expressed his concerns regarding 3200 West and said he was disturbed in the sense of lack of communication and transparency regarding 3200 West. He expressed concern regarding 3200 West connecting to 13400 South, increased traffic and safety for children. It was explained to him that the connection of 3200 West to 13400 South had always been included in

the Master Transportation Plan. Mr. Perkins declared his objection to the Council's process regarding the proposed development. He said that no one was concerned about the size of the lots, but their concern was 3200 West Street. Council Member Tingey said the Council was unaware of timing when a street would be built until actual development occurred. Mr. Lethbridge explained that the rezone application and the notice required had nothing to do with 3200 West Street; the application was for a change in zoning of the property. Mr. Perkins again expressed his objection to the road being built.

Pauline Dansie said she did not understand the objection because it was very clear that the 3200 West road was stubbed for a road and it was very clear the road would be built through to 13400 South at some point in time.

Dennis Abernathy said he did not see any public interest other than money for the developer. He said he had talked to a lot of neighbors who were opposed to the change and he expressed his opposition to the rezone.

Bill Patterson said his concerns were with road widths, to which discussion ensued and explanations were given by Staff.

Mr. ? said the property had gone through a lengthy battle to stay at ½ acre lots zoning. He said it was not fair to the people on ½ acre lots with large houses to have to look over their large properties and see smaller lots and homes. He suggested a minimum requirement of 4,000 square footage for homes. He urged the Council to keep the zoning at ½ acre lots. He then expressed his concern regarding construction traffic and speed limits.

Sheril Woodard spoke in opposition to the proposed zone change and questioned why it was back before the City Council. She said her home was 5,000 sq. feet and that allowing 1,800 sq. foot homes on 1/3 acre lots would not work. She said it would allow for really small houses next to really large homes on large lots, which she was opposed to.

Mel Perschon spoke in opposition to the proposed rezone and spoke against developers and said it was time to start telling developers no. He said his concern was mainly pollution and water problems that come with development.

Brian Komere spoke of the proposed zone change and said he was comfortable with the density. He spoke of 3200 West and the increased traffic it would bring on to Forest Meadows.

Liz Dansie, part of the ownership of the property, spoke to the history of the Master Plan and Zoning regarding the property. She said they, as property owners, should be allowed to develop as they have seen fit and asked for the Council's consideration and approval.

Tim Rogers said he appreciated the Dansie's wanting to develop their property but he said that freedom was only free until it infringed upon someone else. He said he was not against the project but that he was against all the traffic on Forest Meadows and requested that all construction traffic be kept on 3200 West, and to not start the project until that road was completed.

Brett Lovell, Developer, spoke of the Dansie's and their wish to develop their property. He said he had contacted many residents regarding the development, and they had spoke in favor of it.

At the request of Mayor Applegarth, Jason Lethbridge explained the difference between the General Plan and the current zoning of the property.

Zane Gonder said he did not know who the developers had talked to because he had not heard from them, nor did many of the neighbors.

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

Lengthy discussion was held among the Council Members and the Developer regarding 3200 West Street, and SD conditions such as lot sizes, layout of the lots, with the properties bordering the east with a minimum requirement of 2,000 square feet above surface. Additional comments were made in regards to the public comments, the Master Plan, traffic, traffic speed, and traffic mitigation on Forest Meadow Drive.

Ordinance No. 16-14 – Rezoning approximately 14 acres located at 3150 West 13400 South from RR-22 (Rural Residential ½ acre lots) to R-3 (Residential 14,000 square foot lots), Lovell Development Group, Applicant

Council Member Paul Wayman **MOVED** the City Council approve **Ordinance No. 16-14** – Proposed rezone of 14 acres located at 3150 West 13400 South from RR-22 to R-3-SD, with the following Specific Development designations:

- 1. Before any construction begins, we have a connection at 13400 South along 3200 West, and that we have 2,000 sq. foot homes on property along the east border with an 8 foot solid masonry fence along the east property.**
- 2. A minimum of 1,800 sq. feet above surface for ramblers and a minimum of 2,400 sq. feet , requiring a three car garage for all homes; a minimum size of 1/3 acre lot and a maximum of 30 lots in the subdivision, and vinyl fencing on the north side of the property. No construction traffic through any other properties.**
- 3. The north end of 3200 West remain closed during development until the road is improved for traffic.**

Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; Council Member Johnson recommend amending the motion to add **No. 3 and Councilman Wayman accepted the amendment**. Mayor Applegarth called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-No, and Wayman-Yes. **The motion passed 4 to 1.**

2. Final Amended Budget for Fiscal Year 2015-2016

Lisa Dudley, Administrative Services Director, presented the Amended Budget for Fiscal Year 2015-2016; she said she had not received any additions or comments from the City Council. She then addressed questions from Council Member Staggs.

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

Resolution No. 16-33 - Adopting a Final Amended Budget for Fiscal Year 2015-2016

Council Member Tricia Tingey **MOVED** the City Council approve **Resolution No. 16-33 – Adopting a Final Amended Budget for Fiscal Year 2015-2016**. Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; Mayor Applegarth then called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

C. DISCUSSION/ACTION ITEMS

1. Ordinance No. 16-20 - Amending Section 8.10.070 Regarding Real Property to be kept clean

City Attorney Ryan Carter explained that Riverton City adopted Section 8.10.070 approximately one year ago and since that time Code Enforcement has had the opportunity to see how the section would impact Riverton citizens and their property. He said the City had determined that the current language needed to be amended due to some problems that had arisen. He said that, as is, the language of Section 8.10.070 made it difficult to determine what constituted a violation and the broad language of the section could leave a violation up to interpretation. Additionally, if a violation occurred, the timeframe for correction was rather lengthy and a violator may simply choose to ignore the violation for several months. He said that, in order to address those issues, the City proposed the following changes to Section 8.10.070:

(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 so as not to detract from the appearance of the immediate neighborhood.~~ Landscaping shall be kept free from weeds and other volunteer plants so as not to detract from the appearance of the immediate neighborhood. 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 months, or the next planting period (spring or fall), whichever comes first; while~~ and other defective landscape features shall be removed, replaced or repaired within ~~three months~~ 10 days.

Council Member Tricia Tingey **MOVED** that the City Council adopt **Ordinance No. 16-20 - Amending Section 8.10.070 Regarding Real Property to be kept clean**. 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.**

2. Ordinance No. 16-21 - Repealing Section 11.10.010 and amending Section 11.10.020 Regarding Smoking in City Parks

City Attorney Ryan Carter explained that the City had become concerned with the number of people smoking (vaping) in the City owned parks; and, in order to address this concern, some changes to Riverton City Code, Chapter 11.10 “Smoking in City Parks” were required. He said the changes were necessary in order to adapt to the numerous devices and methods of smoking and the impacts they could have on others who were trying to enjoy free access to Riverton’s parks. Mr. Carter made a correction to 11.10.020 Definitions “smoking” means: (c) use of an e-cigarette;

Council Member Brent Johnson **MOVED that Ordinance No. 16-21 - Repealing Section 11.10.010 and amending Section 11.10.020 Regarding Smoking in City Parks as amended by staff.** Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

Parks and Public Services Director Sheril Garn presented park signage options and the Council Members agreed upon Option 2.

D. CONSENT AGENDA

Mayor Applegarth presented the following Consent Agenda:

1. **Minutes:** RCCM 06-14-16
2. **Bond Releases:**
 - a. Autumnwood Estates-90% Performance
3. **Resolution No. 16-31** - Authorizing the execution of an amendment to the Interlocal Cooperation Agreement between Salt Lake County and Riverton City for Animal Control Services
4. **Resolution No. 16-32** - Authorizing the City to enter into an Interlocal Cooperation Agreement with Salt Lake County for the 2016 Chip Seal Project
5. **Ordinance No. 16-19** - Providing for a necessary revision to comply with General Permit for discharges from Small Municipal Separate Storm Sewer Systems Governing Stormwater Quality, Precipitation Runoff Rates and Volumes
6. **Resolution No. 16-33** - Authorizing the Execution of a Site Lease Agreement with T-Mobile West, LLC for placement of a Wireless Communications Tower located at Western Springs Park at approximately 4570 Goshute Dr.

Consent Agenda Item No. 6 was removed from the Consent Agenda for further discussion. Council Member Tricia Tingey **MOVED that the City Council approve the Consent Agenda, with the exception of Item 6.** 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-out of room, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed.**

6. Resolution No. 16-33 - Authorizing the Execution of a Site Lease Agreement with T-Mobile West, LLC for placement of a Wireless Communications Tower located at Western Springs Park at approximately 4570 Goshute Dr.

Following brief discussion, Council Member Sheldon Stewart **MOVED** the City Council approve **Resolution No. 16-33** - Authorizing the Execution of a Site Lease Agreement with T-Mobile West, LLC. 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:

UFA Battalion Chief White reported that they had just completed their “Push to Survive” campaign, which he said was very successful.

F. ELECTED OFFICIAL REPORTS

Mayor Applegarth thanked Staff for their recent work done for the Rodeo and for all the planning and work that makes Town Days spectacular.

Council Member Johnson reported that the “Push to Survive” campaign was very successful at his place of employment and thanked Chief White for their efforts.

Council Member Staggs reported on traffic counts on Reeves Lane and said that traffic had evened out on the streets in that area. He reported on SLVLESA’s Board Meeting wherein a proposed 9.5% tax increase was discussed. He said that as long as UPD sees SLVLESA as a funding mechanism they would continue to see tax increases over the next several years. He said he would like the City Council to have discussions with staff to determine alternative funding mechanisms for law enforcement. He said SLVLESA has a dedicated property tax for law enforcement and suggested that the City could accomplish the same with a Riverton City Law Enforcement Service Area. He did not suggest pulling out of UPD but possibly contracting with them as other entities do. He also said that with recent annexations in Salt Lake County, the number of Board Members on the SLVLESA Board would increase.

Council Member Stewart commended Roman Williams, Urban Forester, for his great work in District 1. He reported that he had asked Chief Rivera to look into a couple of items in his area.

Council Member Tingey requested cleanup of weeds of Pasture Road behind In and Out and in the area south of Midas Creek. She also requested increased Code Enforcement of some of the businesses around the City where there are vacant lots with weeds. She said she was concerned about potential fire hazards.

Council Member Wayman – No report.

G. UPCOMING MEETINGS

Mayor Applegarth reviewed the following upcoming meetings:

1. July 19, 2016 – Regular City Council Meeting – 6:30 p.m.
2. August 2, 2016 – Regular City Council Meeting – 6:30 p.m.

H. CLOSED SESSION

1. Discussion of the character, professional competence, or physical or mental health of an individual

Council Member Paul Wayman **MOVED that the City Council meet in a Closed Session for a discussion of the character, professional competence, or physical or mental health of an individual.** Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

“I, Bill Applegarth, Mayor of Riverton City, do hereby certify that a meeting of the City Council held on June 28, 2016, was closed to discuss the character, professional competence, or physical or mental health of an individual, wherein no other items were discussed.”

The Closed Session was adjourned and the City Council Meeting was reconvened.

Administrative Services Director Lisa Dudley explained that, with the illness and absence of City Treasurer Steven Elms, an Interim Treasurer needed to be appointed and she recommended Jiny Proctor to fill that term until September 30, 2016. Mayor Applegarth confirmed that the interim time would not be extended without Council’s approval.

I. ADJOURN

Council Member Sheldon Stewart **MOVED to adjourn.** Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for a 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 8:40 p.m.

Approved: CC 07-19-16