

Riverton City
REGULAR CITY COUNCIL MEETING
Minutes
July 19, 2016

Riverton City Hall
12830 South 1700 West
Riverton, Utah 84065

Attendance:

Mayor William R. Applegarth

Council Members:

Council Member Brent Johnson - *Excused*
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
Lisa Dudley, Administrative Services Director
Angela Trammell, Communications Manager
Rosie Rivera, UPD Precinct Chief
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 Staggs, Stewart, Tingey, and Wayman were present. Council Member Brent Johnson was excused.

Pledge of Allegiance – Boy Scout Forrest led the Pledge of Allegiance.

1. Presentations/Reports

a. Recognition of Boy Scout Troops

b. Report from Better Cities

Representatives from Better Cities presented a study conducted regarding the Permitting Process in the Planning Department and they introduced their “Work-Out Project.” They then presented their Findings from their study as follows:

- Riverton City has a strong group of experienced, competent, well-liked public servants
- The City’s permitting process, although similar to other cities as it should be, is lengthy, repetitive, and frustrating for both developers as well as city employees

- Cutting out steps is not the most efficient way to reduce review time. The best approach is to reduce the number of repeated redline reviews, thereby reducing the time for permit approval
 - Development Review Committee DRC meetings are critical
 - Complete plan sets from applicants should be required
 - Start the process clock when a completed plan has been submitted
- The process should be improved before IT improvements are pursued

The following proposed process changes were then presented:

- Formal DRC meetings
 1. Pre-application conceptual approval
 - Project feasibility
 - High-level review of outlined plan
 - Checklist provided
 - Process explained (as needed)
 2. After first redline review
 3. After planning commission
 4. Pre-construction
- Attendance is required
- Scheduled weekly:
 1. DRC meetings to include developers and all key internal staff
 2. Internal review meetings
 - Status updates
 - Make sure we are all on the same page

Questions and comments from the Council Members were addressed by Better Cities, Development Services Director Jason Lethbridge and City Attorney Ryan Carter.

2. Public Comments

Mayor Applegarth called for public comments:

Glen Olsen – asked if the City had kept their water rights to the water wells. He suggested that in the future the City pump the wells for secondary water use. He then said it was not the City's responsibility but the State's to clean Utah Lake and said the City needed to force the State to make Utah Lake deep enough to avoid future incidents. Mayor Applegarth said that the State was working very hard to define and solve the problem, as well as the Health Department and Utah County.

Ken Cox said that, according to studies he had done earlier, funds from the secondary water fund were being used by the City for things other than secondary water issues, such as the City newsletter, the phone system, etc. He said by using those secondary water funds for other things the City could have been out of the bond issue a long time ago, and he encouraged the City to not dip into the secondary water fund in the future.

Luke Peterson asked if the City went through a process to determine to shut down their secondary water system. He asked how many secondary water users within the City didn't have access to a backup of culinary water. Water Director Scott Hill said the largest parcel with access to secondary water was one acre. Discussion was held regarding back flow preventers. Mr. Peterson asked if there was more that he could do with his business to be more of an asset to the community and to add value to Riverton City. Mr. Peterson was commended on his business and business practices and for his stormwater compliance. Mr. Peterson said he believes in Riverton City and the traditions of Riverton City. He said he had called Mayor Applegarth for help when he no longer had secondary water for his crops. He said he was very upset with the response he received; however, he said he did get help but without the help of the City. He said there was no evidence that sub-irrigating takes up bacteria in harmful transferrable ways; people are still buying his produce and said "a little bit of love would go a long ways."

Merilee Withers expressed concern regarding Agenda Item B.1 stating the City would not charge itself for any Riverton-provided utility services. She said the City needed to work harder to keep farmers together.

Leo Koopmans asked why the secondary water in the ponds couldn't be treated and why the City was waiting for the State to come back with some kind of test. He said the State has known about this condition in Utah Lake for years.

Discussion occurred as Water Director Scott Hill explained the City's water systems.

Mayor Applegarth said he felt a very strong commitment to public safety and that was why he took the precaution of shutting down the secondary water system. He then publicly apologized to Luke Peterson for offending him.

Scout Leader asked if the culinary system had capacity to provide all the water that was needed. Scott Hill said the culinary system produced 10 million gallons per day and the secondary system used 30 million gallons per day.

Someone asked if the culinary water could be pushed into the secondary system. The answer was no.

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

Mayor Applegarth explained his decision process in shutting down the secondary water system in accordance with Riverton City Code, which led to a resolution ratifying the proclamation of the Mayor to shut off the City's Secondary Water Supply due to an emergency.

City Attorney Ryan Carter explained the Emergency Management Act which also gave Mayor Applegarth the right to declare a local emergency because of the conditions of the secondary water system.

Staff Members Scott Hill and Dan Woodbury presented information and addressed questions from the Council Members. Mr. Woodbury commended the City for its proactive and judicious decision to shut off the secondary water system.

C. DISCUSSION ITEMS

2. **Resolution No. 16-38 - Ratifying Proclamation of the Mayor to shut off the City's Secondary Water Supply due to emergency**

Ryan Carter, City Attorney, explained that on July 16, 2016, Mayor Applegarth, in consultation with officials from the State of Utah, and the Department of Environmental Quality (DEQ), issued a proclamation to shut off the City's secondary water supply to protect the public from an algal bloom and associated cyanobacteria contamination in Utah Lake. He said Mayor Applegarth felt the contamination posed a threat to the health, safety, and welfare to the Riverton City residents. He further explained that the Riverton City secondary water system would be shut down for an indefinite period of time, until the algae and toxicity issues were resolved, and authorities, including the DEQ and Salt Lake County Health Department, confirm that use of the irrigation water was once again safe. He said that Utah Lake was used as a main source for Riverton City's secondary water supply. Concerns about the secondary water did not apply to the City's culinary water source, the Jordan Valley Water Conservancy District (JVWDC). He said Riverton residents could be assured that all culinary water was safe to consume and use for outdoor purposes.

Mr. Carter explained Riverton City Code 13.10.110 Water shortage.

In time of shortage of water, the mayor, with concurrence of the city council, shall by proclamation limit the use of secondary water to such extent as may be necessary. The mayor shall have the authority without concurrence of the council in the case of an emergency. In this event, the proclamation shall be reviewed at the next available regular meeting of the council. It is unlawful for any person to violate any proclamation made by the mayor pursuant to this section.

Mr. Carter then explained that Resolution No. 16-38 ratifying the decision to shut off the City's secondary water system until such time as the City's secondary water source was free from contamination. He said that sampling throughout Utah Lake and the Jordan River system would continue until the incident was resolved and he said DEQ would advise the City as to when to open the secondary water system.

Lengthy discussions were held among the Council Members and Staff regarding Utah Lake, Jordan River, and the canals that provide water to the City's secondary water system.

Council Member Sheldon Stewart requested reports and updates from Dan Woodbury from DEQ and other various organizations. He also requested information regarding the treatment chemical that was being used. Mr. Woodbury agreed to send updates and reports to the Council Members.

Council Member Trent Staggs requested that Resolution No. 16-38 be presented at every City Council Meeting until the issue was resolved.

Council Member Tingey asked about the City's liability should they continue providing secondary water to the residents.

Council Member Wayman suggested using City wells to subsidize the culinary water from Jordan Valley Water Conservancy District (JVWCD) and getting additional water from JVWCD to supply all the water for the secondary water system.

Mayor Applegarth said that he signed a letter to JVWCD that confirmed that JVWCD would add only the amount of water the system needed for the residents to be able to use that water for their needs.

Council Member Tingey said the system should not be opened up until they see the test results.

Dan Woodbury agreed to send out as much information as he could until the next City Council Meeting.

Scott Hill said if DEQ gives it's ok to open up the system, it would take two weeks to get the system fully charged.

Based on Mr. Hill's comments, Council Member Trent Staggs **MOVED to turn the system on now and start the process and get it going with an advisory statement to the public that they only water at night.** Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; discussion ensued between Council Members and Staff. Mayor Applegarth then called for a roll call vote. The vote was as follows: Johnson-Excused, Staggs-Yes, Stewart-Yes, Tingey-No, and Wayman-Yes. **The motion passed 3-1.**

For the record, Mayor Applegarth said "I think this is opening potential problems for the public health; I am totally against this; I think this is an irresponsible decision."

For the record, Council Member Sheldon Stewart said, "I just want to be clear that this discussion, we're still requesting updates, that hasn't changed, we are still requesting what happened at the DEQ at this time, I mean we do have the advisory but you know the decision was made and finding out that it's a two week pressurization, I mean that you said you dropped it in a day if we find out something then we will drop it in a day, so."

Mayor Applegarth clarified with the Council Members that, if there was enough information that was negative enough to shut down the system, he should call an emergency meeting and shut down the system at that time.

Following further discussion, Council Member Trent Staggs **MOVED to rescind his last motion.** 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-Excused, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed.**

Council Member Tricia Tingey **MOVED** the City Council adopt **Resolution No. 16-38 - Ratifying Proclamation of the Mayor to shut off the City's Secondary Water Supply due to emergency until Friday, July 22nd, when an Emergency Meeting can be called.** Council Member Trent Staggs **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-Excused, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed.**

Council Member Trent Staggs **MOVED** the City Council set an **Emergency City Council Meeting on Friday, July 22nd at 12:00 p.m. in the City Council Room.** 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-Excused, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed.**

3. Resolution No. 16-39 – Suspending Collection of Secondary Water Rates while the Secondary Water System is shut off during the 2016 Irrigation Season

This item was not discussed; however, it was tabled by the following motion:

Council Member Paul Wayman **MOVED** the City Council Table **Resolution No. 16-39 – Suspending Collection of Secondary Water Rates while the Secondary Water System is shut off during the 2016 Irrigation Season.** Council Member Tricia Tingey **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-Excused, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed.**

Mayor Applegarth requested direction from the City Council regarding communication. Communication Manager Angie Trammell presented a letter with information regarding the Secondary Water System that was to be mailed to businesses and residences the following day. The Council instructed Mayor Applegarth and Ms. Trammell not to send the letter.

B. PUBLIC HEARINGS

1. Riverton City's intent not to charge itself for any Riverton provided utility services (Culinary Water, Secondary Water, Sanitation, and Stormwater) used for municipal purposes

Lisa Dudley, Administrative Services Director, explained that the Riverton City Council determined that it would not charge itself for any Riverton-provided utility services (Culinary Water, Secondary Water, Sanitation, and Stormwater) used for municipal purposes. Utah Code 10-6-135 requires that the City notify all utility customers of its intent to not charge City departments for these utility services, required notice was sent to all utility customers with the July 2015 utility bills. She said the **practice would result in the following non-cash transfers (amounts are approximated) for FY 2017:**

- \$100,000 from the Culinary Water enterprise fund to the General Fund
- \$ 20,000 from the Secondary Water enterprise fund to the General Fund
- \$ 30,000 from the Stormwater enterprise fund to the General Fund

- \$ 6,000 from the Stormwater enterprise fund to the Culinary Water Fund
- \$ 2,250 from the Stormwater enterprise fund to the Secondary Water Fund

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

A gentleman asked for an explanation as to why the City would not charge itself for the above listed utilities. Ms. Dudley explained that it has always been a practice of the City to not charge itself for its use of utilities; however, the State Auditor now required noticing and the adoption of a resolution.

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

Resolution No. 16-34 - Adopting a Non-reciprocal Utilities Transaction for Fiscal Year 2016-2017

Council Member Tricia Tingey **MOVED** the City Council adopt **Resolution No. 16-34 - Adopting a Non-reciprocal Utilities Transaction for Fiscal Year 2016-2017**. Council Member Trent Staggs **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; Council Member Wayman commented on the motion. Mayor Applegarth called for a roll call vote. The vote was as follows: Johnson-Excused, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed.**

2. Riverton City's execution of a Real Estate Purchase Contract with Ty Wadsworth to govern the sale of real property owned by the City at the address of 2020 East Pioneer Road, Draper, Utah

City Attorney Ryan Carter explained that for decades, Riverton City had owned a parcel of real property (0.86 acre) located at 2020 East Pioneer Road, Draper City, Utah. He said the parcel was also the site of a small water storage tank which used to be a part of the City's culinary water supply, but has long since been abandoned and continued ownership of the parcel was of no use to the City.

Mr. Carter said that, in June of this year, the City Purchasing Department: 1) obtained a certified appraisal report for the property which documented its value to be \$220,000 (enclosed); 2) advertised to the public an opportunity to bid on purchase of the property, with the understanding that bids falling below appraised value will not be accepted; and 3) received a sufficient bid to purchase the land, in the amount of \$225,000.00 from Ty Wadsworth, a Draper resident and neighbor of the property for sale.

Mr. Carter said the City Attorney's Office prepared a simple Real Estate Purchase Contract that would be used to govern the transaction through closing, assuming the Riverton City Council approved the same. He explained that, before approval, Utah law required the City to open a public hearing to receive comment on the transaction. Utah Code Ann. § 10-8-2. Funds derived from sale of a capital asset shall be reserved for investment in construction or acquisition of another capital investment.

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

A gentleman asked about the property and water that used to be available at the City Park from the Draper area.

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

Resolution No. 16-37 - Authorizing the execution of a Real Estate Purchase Contract to sell a parcel of City owned real property located at 2020 East Pioneer Road, Draper, UT

Council Member Sheldon Stewart **MOVED** the City Council adopt **Resolution No.16-37 – Authorizing the execution of a Real Estate Purchase Contract with Ty Wadsworth to govern the sale of real property owned by the City at the address of 2020 East Pioneer Road, Draper, Utah.** Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion and discussion was held regarding the deposit of funds into Fund 45. Mayor Applegarth then called for a roll call vote. The vote was as follows: Johnson-Excused, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed.**

C. DISCUSSION/ACTION ITEMS

1. Discussion of proposed amendments to Section 18.150, Signs, of the Riverton City Land Use Code as described in Exhibit “A”

Jason Lethbridge, Development Services Director, explained that Riverton City has proposed several amendments to the existing ordinance regulating signs. The proposed changes were primarily to sections dealing with temporary and promotional signage, and have been formulated based on discussions and hearings with members of the community, including business owners, residents, and representatives of the sign industry.

Mr. Lethbridge explained several changes proposed to the sections regarding promotional signage. He said that currently, the ordinance allowed for a maximum display period of sixty (60) days per calendar year, and the proposed change would extend that period to ninety (90) days. He said that would allow greater exposure and flexibility for the business community in the display of promotional signs, while still maintaining a reasonable restriction of the total number of days allowed. He also said that specific allowances were made for a “Grand Opening” period for new businesses, with display of a promotional sign package for up to forty-five (45) days. With flags, or ‘blade’ style promotional signs, which are produced typically in batches of three flags, the ordinance has been clarified to allow up to three (3) under a single permit, counting basically as one sign. He said language was also included requiring secure mounting and display of promotional signs.

Mr. Lethbridge said the ordinance was remanded back to the Planning Commission for further review, and on June 9, 2016, the Planning Commission voted to recommend approval of the ordinance amendment, with minor amendments as presented.

This item was for discussion only; therefore, no Council action was taken. It will be presented to the City Council at a future meeting along with a Public Hearing.

D. CONSENT AGENDA

Mayor Applegarth presented the following Consent Agenda:

1. **Minutes:** RCCM 06-28-16
2. **Bond Releases:** N/A
3. **Resolution No. 16-35** – Ratifying the approval of a Change Order given to J. Lyne Roberts and Sons to add additional timbers to the Margaret Park Landscape Repair Project – Craig Calvert, Purchasing Manager
4. **Resolution No. 16-36** – Authorizing the execution of an agreement for the annual maintenance and support of the Caselle Software Package - Craig Calvert, Purchasing Manager

Council Member Tricia Tingey **MOVED that the City Council approve the Consent Agenda as listed.** 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-Excused, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed.**

E. STAFF REPORTS

Lance Blackwood, City Manager, said there were no Staff Reports.

F. ELECTED OFFICIAL REPORTS

Mayor Applegarth clarified that a City Council Meeting would not be held on July 26. He said he had spent a great deal of time studying the secondary water issue with staff, the Salt Lake County Health Department, and other organizations. He expressed his concern with the Council's decision to start the Secondary Water System knowing that there could be potential danger to the residents of Riverton City. He asked why that option would be considered until those in charge gave notice that the water is clear and safe for use.

Council Member Johnson - Excused

Council Member Staggs said he was greatly troubled with the tone of what was going in the country against police officers and recommended that the City create a resolution for August 2nd supporting law enforcement. He then spoke of the secondary water issue and said, if the information received by Friday seemed to be trending downwards, he said he would be comfortable in moving forward with starting up the secondary water system knowing that it would take two weeks to maximize the capacity of the system.

Council Member Stewart spoke of an issue in the Monarch Meadows Park area. He then spoke of his concerns using Lighthouse Research to conduct a City survey. He then reported that UFA Asst. Chief Gaylord Scott tendered his resignation effective today. He suggested a joint

resolution supporting both UFA and UPD. He then spoke of the secondary water issue and said his concern was the lack of information, which could hopefully be resolved by Friday.

Council Member Tingey – No report

Council Member Wayman spoke of a fence at South Hills Middle School. He also said it would be nice for the Council to receive advance notification regarding City issues or agenda items.

G. UPCOMING MEETINGS

Mayor Applegarth reviewed the following upcoming meetings:

1. August 02, 2016 – Regular City Council Meeting – 6:30 p.m.
2. August 16, 2016 – Regular City Council Meeting – 6:30 p.m.

H. ADJOURN

Council Member Tricia Tingey **MOVED to adjourn**. Council Member Trent Staggs **SECONDED** the motion. Mayor Applegarth called for a vote. The vote was as follows: Johnson-Excused, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously**. The meeting adjourned at 10:08 p.m.

Approved: CC 08-02-16