

Riverton City, Utah
REGULAR CITY COUNCIL MEETING
Minutes
October 4, 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-*Excused*
Virginia Loader, Recorder
Ryan Carter, City Attorney
Jason Lethbridge, Planning Manager
Trace Robinson, Public Works Director
Lisa Dudley, Administrative Services Director
Rosie Rivera, UPD Precinct Chief
Mike White, UFA Battalion Chief
Angela Trammell, Communications Director

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.

Mayor Applegarth excused City Manager Lance Blackwood and introduced Ryan Carter, City Attorney, as the Acting City Manager.

2. Pledge of Allegiance – A Boy Scout led the Pledge of Allegiance.

3. Presentations/Reports

a. Recognition of Boy Scout Troops

b. Riverton Choice Awards for Excellence in Education-South Hills Middle

School

Council Member Tricia Tingey presented the Riverton Choice Awards for Excellence in Education for the following South Hills Middle School students: Malia Warden-9th Grade, Sam Cooper-9th Grade, and Ms. Rebecca Kirkman-7th Grade Utah Studies Teacher.

c. Report from Dale Keller, Salt Lake County Health Department, regarding Radon

Dale Keller, Environmental Bureau Director, requested approval for the Salt Lake County Health Department to conduct a confidential Radon Study within Riverton City. He said approximately 75 to 125 properties would be randomly selected and tested and that the information would be collected and kept by the Salt Lake County Health Department. The findings would be shared between the Health Department and the participant at no cost to the participant. Mayor Applegarth said there would be a cost to the City of \$420 for a mailer to be sent to 10,000 homeowners as an awareness campaign of the proposed study. Council Member Paul Wayman thanked the Salt Lake County Health Department for their efforts in proposal.

2. Public Comments

Mayor Applegarth called for public comments:

Cameron Cooper asked that all communications regarding the Radon Testing specify that the testing would be conducted by the Salt Lake County Health Department at no cost to the participant.

Michael Johnson commended Jared Bowling and the Public Works Department for their efforts and coordination in tree trimming on 3600 West. He said he would like to see more dead trees removed along the Midas Creek area.

John Norp spoke of the Redwood Road Widening Project and expressed his concern regarding the project and traffic lights that are needed by Riverton Ranch Road. He said he was concerned with safety of the children in that neighborhood and requested the City work with UDOT to ensure traffic signals and crosswalks as part of the plan.

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

Agenda Item C.2 was addressed.

2. Resolution No. 16-52 – Appointing the Historic Preservation Commission

Ryan Carter, City Attorney, explained that since the early 1980's Riverton City had undertaken efforts to preserve its history. The City adopted an ordinance, 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. He said that, in years past, the bulk of the work was performed by a committee of volunteers operating under the City's direction.

Mr. Carter further explained 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 a 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 which assist in preservation of resources.

Mr. Carter said that on June 14, 2016, the Riverton City Council adopted an ordinance amending Title 18 of the Riverton City Code to recreate standards for preservation of historic buildings and sites, and part of the administration of the Ordinance required the appointment of a Historic Preservation Commission.

Council Members then introduced or identified their nominees who would be serving on the Commission:

Andy Pierucci	Linda Butterfield
Mary Mills	Barbara Catron
Joy Johnson	

Council Member Trent Staggs **MOVED the City Council adopt Resolution No.16-52 - Appointing the Historic Preservation Commission**. 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: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

B. PUBLIC HEARINGS

1. Riverton City is proposing amendments to Section 18.110.050, Clustering, in the Sensitive Area Overlay Zone addressing allowed clustering and density allocations

Jason Lethbridge, Development Services Director, explained that Riverton City proposed amendments to Section 18.110, Sensitive Area Overlay Zone, addressing the use of clustering and other density allocation tools to mitigate impacts of geologic hazards on potential development. He said the item was noticed for the City Council Meeting but was still under review by the Planning Commission; however, on September 22, 2016, the Planning Commission tabled the item to their next hearing. Mr. Lethbridge said Staff recommended that the public hearing be continued to the October 18 City Council Meeting.

Council Member Tricia Tingey **MOVED the City Council continue the public hearing for Item B.1, Amendments to the Sensitive Area Overlay Zone, to the October 18, 2016 City Council Meeting**. 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: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

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

2. Riverton City is proposing adoption of an Active Transportation Plan as an amendment to the Riverton City Transportation Master Plan component of the General Plan

Jason Lethbridge, Development Services Director, explained that Riverton City proposed the adoption of an Active Transportation Plan as a component of the Riverton City General Plan. He said the introduction to the plan read as follows:

“The Centers for Disease Control defines active transportation as “any self-propelled, human-powered mode of transportation, such as walking or bicycling”. Active transportation plans seek to define a strategic long-term approach to meet demand for active transportation facilities and programs much like Transportation Master Plans seek to plan for the vehicular demands of future growth. The Riverton Active Transportation Plan accomplishes this by providing direction for the establishment or improvement of particular bicycling and walking routes (e.g. bike lanes or trails) while also providing policy and program recommendations to support the active transportation system. With Riverton’s population expected to swell to 60,000 by 2025, this plan was conceived at an opportune time to address Riverton’s current and future needs for bicycling and walking.

Mr. Lethbridge said that on September 22, 2016, the Planning Commission recommended adoption of the Active Transportation Plan as a component of the Riverton City General Plan.

Council Member Trent Staggs asked about the UTA locally preferred alternative plan and Mayor Applegarth said that the Active Transportation Plan was not tied to the TRAX project and it would not obligate the City to approve a TRAX line along 12600 South. Council Member Staggs asked what the cost would be if all the goals in the plan were implemented, and he asked if an analysis had been done. Discussion was held regarding costs and grants as a result of the Plan.

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

Resolution No. 16-26 – Adopting the Riverton City Active Transportation Plan as a component of the Riverton City General Plan, proposed by Riverton City

Council Member Paul Wayman **MOVED** the City Council adopt **Resolution No. 16-26 – Adopting the Riverton City Active Transportation Plan as a component of the Riverton City General Plan**. 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: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

3. Riverton City is proposing amendments to Title 18.90, Table of Commercial Uses Chart, amending categories and allowed uses

Jason Lethbridge, Development Services Director, explained that Section 18.90, Table of Commercial Uses, listed categories of commercial and office uses and indicated whether such uses were allowed in various commercial zones. He said Staff had been requested to present to the Planning Commission proposed amendments to the table regarding medical and counseling services uses. He said the amendments proposed were in response to concerns that certain types

of medical and/or counseling service uses may, under the current wording, include residential components to facilitate in-patient services.

Mr. Lethbridge said that on September 8, 2016, the Planning Commission recommended adoption of the ordinance amendment.

Mayor Applegarth opened a Public Hearing and called for public comments; there being no comments, Mayor Applegarth closed the Public Hearing.

Resolution No. 16-27 – Amending Section 18.90, Table of Commercial Uses Chart, of the Riverton City Land Use Code as described in Exhibit “A”, Amendments proposed by Riverton City

Council Member Sheldon Stewart **MOVED** the City Council adopt **Resolution No. 16-27** – **Approving proposed amendments to Section 18.90, Table of Commercial Uses Chart, with the changes as shown in Exhibit “A”**. Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion;

Council Members recommended the following amendments in addition to those listed:

1. Physicians, dental, and other professional medical offices *Add: Out-patients only*
2. Plasma Donation Centers–Standalone *Change: C-PO from P to NP*
3. Veterinary and animal hospital services *Change: C-PO from P to NP*

Council Member Trent Staggs made a **Substitute Motion MOVED** the City Council adopt **Resolution No. 16-27** – **Approving proposed amendments to Section 18.90, Table of Commercial Uses Chart, with the changes as shown in Exhibit “A” and adding to 1. Physicians, dental, and other professional medical offices – Out Patient Only, 2. Plasma Donation Centers – Standalone Non-Permitted in the C-PO Zone, and 3. Veterinary and animal hospital services – Non-Permitted in the C-PO Zone**. Mayor Applegarth called for discussion on the motion; there being none, he called for a roll call vote. The vote was as follows: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

C. DISCUSSION/ACTION ITEMS

1. Amendment to Fee Schedule re. Facility Rentals

Sheril Garn, Parks & Public Services Director, explained that with the opening of the City Park the decision was made to reserve the Park to residents only for noncommercial events through 2016. January 3, 2017, reservations for the 2017 summer season will be accepted. She requested discussion of the fees associated with the current park reservation fee schedule.

The following rates were discussed:

Current Resident Rate for Outdoor Pavilion Reservations:

Outdoor Pavilions: Monarch, Canyon View, Roi Hardy, Centennial, Westfield Downs, Riverton Chase, Swenson Farms and Small Pavilion at the City Park

1/2 Day reservation = \$25.00

Full Day reservation = \$37.50

Note: Bluffdale and Herriman residents no longer receive the Riverton Resident rate unless there is a reciprocal agreement.

Beginning January 2017 the following Park Pavilions available for reservations:

Old Farm Park – Splash Pad not included

1/2 Day reservation = \$25.00

Full Day reservation = \$37.50

Western Springs Park = \$75.00 per day

Beginning January 2017 non-resident reservations allowed for the **Old Dome Meeting Hall** at the non-resident rate of \$1,200.00, and for Outdoor Pavilion Uses as follows:

Commercial Use

Company Parties

Fundraisers - Special Event Permit required

(Type of Fundraisers to be discussed at a future time)

Discussion was then held regarding the **Old Dome Meeting Hall** Rental Policy as follows:

Resident Fee: Full day reservation = \$600.00

Non-resident Fee: Full day reservation = \$1,200.00 – proof of residency required

Deposit = \$800.00 Same for Resident and Non-resident

Cancellation Fee = \$ 10.00 if cancelled within two weeks of making reservation.

\$200.00 if cancelled after two weeks of making reservation

and thirty days prior to the event.

No Refund within thirty days of the event.

Discussion was then held regarding the Cancellation/Refund Policy as follows:

Outdoor Pavilions

No cancellation refunds: Reservation can be transferred to another available date in the same calendar year.

C.R. Hamilton Indoor Pavilion – Full day reservations only

Reservation Fee = \$200.00

Cancellation Fee = \$ 10.00 if cancelled within two weeks of making reservation.

\$100.00 if cancelled after two weeks of making reservation

and thirty days prior to the event.

No Refund within thirty days of the event.

January 1st to March 31st = Riverton Residents and Riverton Businesses only can make reservations for the City Park and the Old Dome Meeting Hall. April 1st – Reservations open to residents and non-residents.

- Resolution No. 16-53 – Approving the execution of an Interlocal Cooperation Agreement between Riverton City and the Salt Lake Valley Law Enforcement Service Area for the allocation of assets and liabilities upon the withdrawal from the Salt Lake Valley Law Enforcement Service Area**

Ryan Carter, City Attorney, explained that as a part of its budget process, the Salt Lake Valley Law Enforcement Service Area (“SLVLESA”) was required to bring its budget before the Riverton City Council for approval. He said the 2017 SLVLESA Budget calls for a 9.5% property tax increase. He explained that Utah Code Ann. §17B- 2a-903 requires that SLVLESA obtain the prior consent of the municipal councils represented by SLVLESA prior to implementing a property tax increase.

Mr. Carter said that, as a condition of approving the tax increase, the Riverton City Council indicated that it desired to initiate proceedings to enable the citizens of Riverton to consider whether to withdraw from SLVLESA. He said that, if that occurs, Riverton City and SLVLESA would need to divide assets and liabilities amassed by SLVLESA during the period of time Riverton City was a member (approximately 5 years). He presented an Interlocal Agreement that govern the process to divide assets and liabilities of Riverton and SLVLESA.

Council Member Staggs spoke of the “Allocation of Physical Assets and Associated Debt” and the “Allocation of SLVLESA Fund Balance” provisions of the Interlocal Agreement and said the parties have agreed to the principles of the agreement with any future withdrawal from SLVLESA.

Brief discussion was held regarding Utah Code Title 17B-1-505 - *Withdrawal of municipality in certain districts providing fire protection, paramedic, and emergency services or law enforcement service.*

“If a resolution is adopted under Subsection (1)(a), the municipal legislative body shall hold an election at the next municipal general election that is more than 60 days after adoption of the resolution on the question of whether the municipality should withdraw from the local district.

If a majority of those voting on the question of withdrawal at an election held under Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local district.”

Council Member Trent Staggs **MOVED** the City Council adopt **Resolution No. 16-53** - **Approving the execution of an Interlocal Cooperation Agreement between Riverton City and the Salt Lake Valley Law Enforcement Service Area for the allocation of assets and liabilities upon the withdrawal from the Salt Lake Valley Law Enforcement Service Area.** 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: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

3. Resolution No. 16-54 - Approving the levying of property taxes by the Salt Lake Valley Law Enforcement Service Area, and approving a 2017 Property Tax Levy in Excess of the Certified Tax Rate by the Salt Lake Valley Law Enforcement Service Area

Ryan Carter, City Attorney, explained that as a part of its budget process, the Salt Lake Valley Law Enforcement Service Area (“SLVLESA”) was required to bring its budget before the

Riverton City Council for approval. He said the 2017 SLVLESA Budget calls for a 9.5% property tax increase. He explained that Utah Code Ann. §17B- 2a-903 requires that SLVLESA obtain the prior consent of the municipal councils represented by SLVLESA prior to implementing a property tax increase.

Mr. Carter spoke of the following section the resolution:

3. The Riverton City Council further recognizes that for the period of 2018 through 2021 that the SLVLESA Board will annually consider adoption of necessary property tax increases for the purpose of meeting the inflationary increases, or deflationary reductions, as the case may be, in the Unified Police Department and recognizes that those increases will be presented to it for consideration and approval.

He said the above section would not bind any future City Council to the action taken by the City Council at this meeting. He said that the process of adoption of the SLVLESA Budget would be required every year.

Mr. Carter explained that the proposed resolution approved the property tax increase; however; as a condition of approving the increase, the Riverton City Council required SLVLESA to approve an Interlocal Agreement to divide assets and liabilities between the parties, in the event Riverton voters ultimately decide to withdraw from SLVLESA.

Council Member Sheldon Stewart expressed his concern with approving the 2017 SLVLESA Budget with a 9.5% property tax increase. However, he said Riverton City would be looking at an alternate solution with the SLVLESA withdrawal issue on the November 2017 ballot.

Council Member Staggs said he struggled with the issue as well but there had not been an increase since 2012, which he said imposed a lot of pressure on SLVLESA as a whole. He said that, although a tax increase was difficult to impose, he supported UPD law enforcement for the service they provide. He spoke of the Interlocal Agreement that was adopted with specific provisions that would benefit the City. He also spoke of an alternative that would be presented to the residents at the November 2017 municipal election for withdrawal from SLVLESA, and also the creation of a Riverton Law Enforcement Service Area with its own tax assessment.

Council Member Wayman also spoke in support of law enforcement and said the 2017 tax increase would not be assessed until 2017.

Council Member Paul Wayman **MOVED to open a Public Hearing regarding the proposed SLVLESA tax increase.** 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: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

Mayor called for Public Comments, there being none he closed the comment period.

Council Member Trent Staggs **MOVED the City Council adopt Resolution No. 16-54 - Approving the 2017 Budget of the Salt Lake Valley Law Enforcement Service Area.**

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: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

Mayor Applegarth clarified that the SLVLESA withdrawal ballot issue would not be on the ballot until November 2017.

D. CONSENT AGENDA

Mayor Applegarth presented the following Consent Agenda:

1. **Minutes:** RCCM 09-06-16, WS 09-20-16
2. **Bond Releases:**
 - a. Manchester Fields-100% Warranty Bond
3. **Resolution No. 16-47** - Amending the Interlocal Agreement with Unified Fire Authority in order to allow for the appointment of two Deputy Fire Chiefs
4. **Resolution No. 16-48** – City Council giving its Advice and Consent to the appointment of a Treasurer
5. **Resolution No. 16-49** – Approving the appointment of H. Craig Hall as a Riverton City Hearing Officer and approving the execution of an agreement to provide services as an Appeal and Variance Hearing Officer
6. **Resolution No. 16-50** – Declaring identified property of Riverton City as surplus
7. **Resolution No. 16-51** – Authorizing the execution of an Interlocal Cooperation Agreement between Salt Lake County and Riverton City for the participation in the Urban Wildlife Assistance Program

Council Member Tricia Tingey **MOVED that the City Council approve the Consent Agenda.** 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: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

Mayor Applegarth introduced Jiny Proctor, the newly appointed City Treasurer.

E. STAFF REPORTS

Ryan Carter, City Attorney/Acting City Manager, called for the following Staff Reports:

Trace Robinson, Public Works Director, said the UDOT Project Manager explained that UDOT was short on funds and they had proposed the following cuts to the Redwood Widening Project:

- Narrow shoulders to 8 ft. from 10 ft., which would eliminate need for dual water lines.
- Park strips – recommended sod rather than stamped concrete and looking to the City for maintaining park strips with independent sprinkler systems.

- Large detention ponds across from City building - City take over and maintaining them.
- No longer realigning some of the streets along Redwood Road, which would affect Western Charm and Christan Way.
- Still planning on putting in underground wiring; however, he said that when streets meet warrants, UDOT would install signals. Also, if Riverton City wants to do a Betterment Agreement they would install those at the time of the project.

Mr. Robinson spoke of the right-of-way acquisition process. He said the schedule had moved to March of 2017. He also said that the UDOT Project Manager said that no changes had been solidified and they were still working to find funding for the project.

Council Members raised concerns regarding the proposed cuts to the project because the original design shown to the residents on Redwood Road was significantly different. Council Member Johnson suggested the Council Members discuss and prepare a list of priorities for the project.

Mr. Robinson then addressed questions from the Council and Council Member Staggs said that he was opposed to the park strip proposal.

Trace Robinson, Public Works Director, then reported and explained that Staff had anticipated that the Stone Ridge Subdivision stormwater system was in need of repair and they had budgeted \$20,000.00 for the repair. A Request for Quotation was issued for the repair and the low bid amount was \$29,975.00. He said that, because the bids came in over the budgeted amount, changes were made to the specification to try and reduce the cost. A second Request for Quotation was then issued and the tabulation was reviewed, wherein the low bid was from Beck Construction was submitted in the amount of \$26,775.00, and any expenditure above \$25,000 required Council's approval. He further explained that the Stone Ridge Subdivision stormwater system had now failed causing a sinkhole and pipe flow restrictions resulting in property damage, which he felt had created an emergency. An Emergency City Council Meeting was scheduled for October 5, 2016, at 5:30 p.m. to address the issue.

Discussion was then held regarding the \$25,000 thresh hold for the Mayor's approval as per the Purchasing Policy. Council Member Stewart recommended the thresh hold be determined by a percentage of the overall budget. Staff will review and make a recommendation.

UFA Chief White said he would submit a report at the next City Council Meeting.

UPD Chief Rivera spoke of "the creepy clown phenomenon". She said there was no credible information but they were taking precautions.

F. ELECTED OFFICIAL REPORTS

Mayor Applegarth said he attended a swearing in ceremony for the new UPD officers in the Riverton Precinct.

Council Member Johnson asked if the approved No-Smoking signage had been posted in City parks. He was assured that staff was in the process of posting 50 new signs.

Council Member Staggs reported that a grant application in the amount of \$20,000 for the Jordan River Trail had been submitted. He said that the Peggy Green Park project was progressing. He then thanked Trace Robinson for his work on Reeves Lane.

Council Member Stewart reported on a meeting he had attended related to regarding proposed legislative changes to Special Service Districts, especially fire and police districts. He reported on resignations and hiring and a proposed management structure for UFA/UFSA.

Council Member Tingey reported on the excessive number of voles in the parks in her district.

Council Member Wayman spoke of locations for digital speed signs. He also spoke of secondary water.

G. UPCOMING MEETINGS

Mayor Applegarth reviewed the following upcoming meetings:

1. October 18, 2016 – Regular City Council Meeting – 6:30 p.m.
2. November 01, 2016 – Regular City Council Meeting – 6:30 p.m.
3. November 15, 2016 – Regular City Council Meeting – 6:30 p.m.

H. CLOSED SESSION – Not Held

I. ADJOURN

Council Member Tricia Tingey **MOVED to adjourn**. Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for a vote. The vote was as follows: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously**. The meeting adjourned at 9:22 p.m.

Approved: CC 10-18-16