

**Riverton City, Utah**  
**REGULAR CITY COUNCIL MEETING**  
**Minutes**  
**November 1, 2016**

**Riverton City Hall**  
**12830 South 1700 West**  
**Riverton, Utah 84065**

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**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  
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.

**2. Pledge of Allegiance** – Paul Wayman led the Pledge of Allegiance.

**3. Presentations/Reports**

**a. Recognition of Boy Scout Troops**

**b. Riverton Choice Awards for Excellence in Education-Providence Hall High School** - N/A

**c. Trans-Jordan Landfill – Bayview Project**

Trace Robinson, Public Works Director introduced Mark Hooyer, Executive Director of the Trans-Jordan Landfill.

Mark Hooyer gave a report on the Trans-Jordan Landfill, their recycling efforts and their plans for the future. He said that the Trans-Jordan Landfill, along with other entities, had purchased the Bay View Landfill in Elberta, Utah, which is now called the Northern Utah Environmental Resource Agency (NUERA). He said that the Trans-Jordan Landfill would reach full capacity within the next ten to fifteen years, at which time Trans-Jordan would then utilize NUERA for their waste. Mr. Hooyer then addressed questions from Council Members.

#### **d. HOPE4UTAH**

Council Member Tricia Tingey explained that the focus of Healthy Riverton had been traumatic brain surgery but they, in conjunction with HOPE4UTAH, had now turned to suicide prevention. She explained that the HOPE Squads are the eyes and ears of the schools. They are comprised of students who are trained to watch for at-risk students—provide friendship, identify warning signs, and seek help from adults. HOPE4UTAH works with school advisors to train students who have been identified by their classmates as trustworthy peers to serve as HOPE Squad members who are empowered to seek help and save a life. Mrs. Tingey asked the Council Members for their full support of the program.

Dr. Gregory A. Hudnall explained that HOPE Squad members are not taught to act as counselors, but rather, are educated on how to recognize signs of suicide contemplation, and how to properly and respectfully report this to an adult. Once invited to be HOPE Squad members, students willing to go through the training must get a permission form signed by their parents. He said that peer-to-peer training is an integral component of many youth suicide-prevention programs. It trains the students to recognize warning signs in depressed or suicidal peers, and to empower them to report those signs to an adult.

Due to the increased number of suicides in the state of Utah, Dr. Hudnall and Linda Tranter asked for the City's participation in recruiting community members and businesses to sponsor HOPE Squad members and to become certified in the program to possibly help save a life. He said their hope was to have a HOPE Squad in every school

Council Member Tingey requested each of the Council Members to contact citizens, as well as business people, from their district to find out who would be interested in serving on a committee to help with the HOPE program in Riverton City.

Linda Tranter thanked Riverton City for their support to the Riverton High School HOPE Squad and requested their continued involvement in the program.

## **2. Public Comments**

Mayor Applegarth called for public comments; there being no comments, he closed the public comment period.

## B. PUBLIC HEARINGS

### 1. **Ordinance Amendment, Sections 18.[20,25,30,35,40].50.1, Density and Lot Regulations, Clarifying Unit Densities in those Sections, Amendments proposed by Riverton City**

Jason Lethbridge, Development Services Director, explained that on October 18, the City Council tabled this item to allow for additional research regarding potential conflicts with other sections of the ordinance. In reviewing the relevant ordinances, he said staff did not find any apparent conflicts.

Mr. Lethbridge then explained that Riverton City's Land Use ordinance has 5 single family zones, and each zone has a minimum lot size. He said the R-1 zone has a minimum lot size of 1 acre, the RR-22 a minimum of ½ acre, the R-3 a minimum of 1/3 acre, and so on. The language in each zone is intended to allow for a maximum of one (1) residential structure on each lot. However, he said the current language in each section relies on definitions elsewhere in the title to address the question of the allowed number of dwelling structures on a property. To clarify this, and to insure that the ordinances adequately address this issue, staff proposed the addition of language to each section. The sections currently read as follows, with the language from the R-1 zone as an example:

*18.20.050 Density and lot regulations.*

*(1) Density. Subdivisions within the R-1 zone shall have no more than one residential lot per one acre gross density.*

Staff proposed that this section in each of the single-family residential zones be amended with language restricting each lot to no more than one dwelling unit per lot. The section in each single family zone would then read:

*(1) Density. Subdivisions within the R-1 zone shall have no more than one residential lot per one acre gross density, with no more than one dwelling unit per lot.*

Council Members discussed garages and/or sheds that had living spaces on the second level and Mr. Lethbridge explained that a building permit allows for a second floor but it does not allow for a dwelling unit. He said that it was probable that second story dwelling units were being built once the City had completed the building inspection.

Single family residential home basement rentals were also discussed and City Attorney Ryan Carter explained that "Family" is defined as one person living alone or four or more persons related by blood, or related by marriage or adoption, according to the laws of the state of Utah; or a group not to exceed four unrelated persons living together as a single dwelling unit.

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

Wyoma Darlington asked if the proposed ordinance amendment would affect mother-in-law apartments and Ryan Carter said that it would not.

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

**Ordinance No. 16-30 – Amending Sections 18.[20,25,30,35,40].50.1, Density and Lot Regulations, of the Riverton City Land Use Code Clarifying Unit Densities in those Sections, Amendments proposed by Riverton City**

Council Member Sheldon Stewart **MOVED** the City Council adopt **Ordinance No. 16-30 - Amending Sections 18.[20,25,30,35,40].50.1, Density and Lot Regulations, with the following language amended to each section : 1. ...with no more than one dwelling unit per lot.** Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; Council Member Staggs commented in favor of the proposed ordinance. Mayor Applegarth then 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.**

**2. Ordinance Amendment, Section 18.195 Conditional Use Permits, Amendments proposed by Riverton City**

Jason Lethbridge, Development Services Director, explained that Riverton City currently has an ordinance regulating Conditional Uses, which the ordinance defines as “Certain uses which may be harmonious under special conditions and in specific locations within a district, but may be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits.” He said that recent changes to the Utah State Code, as well as recent case law, require cities to more specifically address in ordinance the standards by which a conditional use is reviewed.

Mr. Lethbridge said that in response to the need for a more specific framework for review and action on conditional uses, staff proposed significant amendments to the Conditional Use Permit ordinance. He said the proposed amendments create a tiered system of required and optional conditions, as well as potential issues to be reviewed with specific uses. He said it was similar in substance to Riverton City’s current Home Occupation ordinance, where the City established fixed and potential conditions to be required as part of the review and approval process. In that ordinance, as with the proposed Conditional Use amendment, he said there are clear standards that must be met but there is also discretion for the Land Use Authority to determine in each situation how impacts from a proposed use shall be mitigated

Mr. Lethbridge said that on October 13, 2016, the Planning Commission recommended adoption of the proposed ordinance amendment.

Discussion was held regarding Section 18.195.060.4 regarding Private Open Air Sports Facilities and Parks. Council Member Staggs questioned the use of the language “Open Air” and recommended that it be deleted from the title. Discussion was also held regarding the restriction

of the height of any temporary structure and the duration of the placement of a temporary structure.

Mayor Applegarth expressed concern regarding height restrictions for Town Days; however, it was mentioned that Riverton City events were held in a public park and the ordinance amendment was in regards to a private park. Mr. Lethbridge said that he would review the City's height requirements for Town Days prior to making the amendments to the ordinance.

**Ordinance No. 16-31 – Amending Section 18.195 Conditional Use Permits, Amendments proposed by Riverton City**

Council Member Sheldon Stewart **MOVED to have staff go back and evaluate it and, when they are ready, present it back to the Council.** Council Member Brent Johnson **SECONDED** the motion.

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

Mayor Applegarth then called for discussion on the motion. Council Member Paul Wayman asked about the outcome of an application during the evaluation period. City Attorney Ryan Carter said that under Utah law an applicant would not be able to avail themselves of the City's present standards where the ordinance was so near to completion. He said it would not be adverse to the City's interest to work on it at this time.

Council Member Trent Staggs made a **SUBSTITUTE MOTION** and **MOVED to approve Ordinance No. 16-31 - Approving the proposed amendments to Section 18.195, Conditional Uses, as shown in Exhibit "A" and adding to in Section .060 No. 4. in referring to Private Sports Facility and Parks, and adding a sub item that would be 7. that would restrict the height of any temporary structure and the duration of placing that temporary structure on the facility based upon staff's recommendation.** Ryan Carter said the ordinance could be brought back to the City Council for ratification. Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; Council Member Wayman asked if an appeal would go to the Board of Adjustment and Ryan Carter said that it would. Mayor Applegarth then 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. Ordinance Amendment, Amending Section 18.155.11, Fence W/In a Fence, of the Riverton City Land Use Code, Amendment proposed by Riverton City**

Jason Lethbridge, Development Services Director, explained that the City currently has an ordinance prohibiting the construction of a fence within ten feet of an existing fence. He said that there had been several issues come to light over time with enforcement of this requirement. One has been where new development required fencing to be installed on the perimeter of a project. In several cases, fencing on the adjacent properties was not located on property line, but was either by design or by accident located several feet inside of the property line. In other cases

adjacent property owners chose not to allow their existing fencing to be removed. The situations created a conflict, where the developer was required to install fencing before a project could move forward, but the prohibition on parallel fencing made the required fencing impossible to install.

Mr. Lethbridge said that situations can arise on private property where adjacent property owners desire to install or maintain fencing for different purposes. For example, one property owner may choose to install a short rail fence for aesthetic reasons while the adjacent property owner may desire solid fencing for security and visual screening. The existing language would prohibit the double fencing, and means that one property owner must accept whatever fencing may be installed on the property line or within 10 feet on adjacent property. While there are valid reasons behind the existing language, including the need to maintain and keep clean space between two fences, he said staff was concerned that the existing language had the potential to create conflicts as described above.

Mr. Lethbridge said that in the situations where a required fencing surrounding a development was prevented from being installed by the existing language, a variance was granted to allow the fencing to be installed directly adjacent to existing fencing. While there is still concern about how any gaps between the fencing would be maintained, that is an issue that would require the adjacent property owners to work out between them.

Mr. Lethbridge said that the fencing issue was previously brought before the Commission and Council, proposing that parallel fencing be allowed. The City Council ultimately denied that proposed amendment and requested that staff prepare an amendment that would establish parallel fencing as a conditional use. He said that on October 13, 2016, the Planning Commission recommended adoption of the proposed ordinance amendment.

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

Tish Buroker asked about weeds that grow between the two fences and what, if anything, would be done about that.

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

Ryan Carter responded to the public comment and said that this was a beginning approach to the problem. Further discussion was then held.

**Ordinance No. 16-32 – Amending Section 18.155.11, Fence W/In a Fence, of the Riverton City Land Use Code, Amendment proposed by Riverton City**

Council Member Tricia Tingey **MOVED** the City Council adopt **Ordinance No. 16-32 - Amending Section 18.155.11, Fence within a Fence, of the Riverton City Land Use Code, amending the section to read as shown in Exhibit “A” attached.** Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; Council Member Staggs expressed concern regarding grading differentials between two fences. Council Member Trent Staggs made a **SUBSTITUTE MOTION** and **MOVED** the City

**Council adopt Ordinance No. 16-32 - Amending Section 18.155.11, Fence within a Fence, of the Riverton City Land Use Code, amending the section to read as shown in Exhibit “A” attached, with the following change in letter C to read “That the applicant be responsible for the placement of permanent weed control measures in space between the fences”.** Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion. Council Member Wayman asked about the use of a soil sterilizer for permanent weed control. Ryan Carter said that any kind of chemical treatment to the soil was not a permanent solution because it would have to be applied every year. He said that something like concrete would be permanent. Council Member Johnson spoke of the cost of concrete as a permanent barrier. Mayor Applegarth then called for a roll call vote. The vote was as follows: Council Members Johnson-No, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed 4 to 1.**

## **C. DISCUSSION/ACTION ITEMS**

### **1. Open and Public Meetings Act Training**

City Attorney Ryan Carter, in accordance with UCA 52-4-104, presented annual training of UCA 52-4-Open and Public Meetings Act to the elected officials.

## **D. CONSENT AGENDA**

Mayor Applegarth presented the following Consent Agenda:

1. **Minutes:** RCCM 10-18-16
2. **Bond Releases:**
  - a. Holy Trinity Lutheran Church-Warranty Release
  - b. Bowen Park-Warranty Release
3. **Resolution No. 16-57** - Authorizing the City to enter a Cooperation Agreement with Trans-Jordan Landfill for a Temporary Staging Area for Debris in the event of an Emergency

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.**

## **E. STAFF REPORTS**

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

Chief Rivera reported on an auto pedestrian accident involving a thirteen year old Riverton student that was killed earlier in the day.

Chief White reported on a small fire at the Library where it was started from oiled rags in a garbage can. He then reported on a trench collapse incident in Riverton wherein two victims survived.

## **F. ELECTED OFFICIAL REPORTS**

**Mayor Applegarth** spoke of UDOT intersections as part of the Redwood Road Widening Project and reported that the necessary equipment would be installed underground but they are unable to install a traffic signal until warrants are approved. He then spoke of a concept of the Salt Lake Valley becoming an inland port.

**Council Member Johnson** said he attended the Halloween Bash Scare Rodeo and complimented the Recreation Department on the successful evening.

**Council Member Staggs** reported on continued work on the Peggy Green Park and said he liked what was being done. He then reported that he recently attended a Keystone Development Grand Opening, which led to a brief report of economic development on 12600 South.

**Council Member Stewart** reported that UFA was in their final phase of the UFA Chief selection process. He then requested a report from Trace Robinson regarding traffic signals. Trace Robinson reported on the Morning Cloak signal and said that an Amended Interlocal Agreement with Salt Lake County for that signal would be presented at the next City Council Meeting.

**Council Member Tingey** - No report.

**Council Member Wayman** suggested that secondary water reliability and conservation be addressed at the upcoming Strategic Planning Session.

## **G. UPCOMING MEETINGS**

Mayor Applegarth reviewed the following upcoming meetings:

1. November 08, 2016 – Regular City Council Meeting – 6:30 p.m.-If Necessary
2. November 15, 2016 – Regular City Council Meeting – 6:30 p.m.
3. December 06, 2016 – Regular City Council Meeting – 6:30 p.m.

## **H. ADJOURN**

Council Member Sheldon Stewart **MOVED to adjourn**. Council Member Trent Staggs **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 9:37 p.m.

**Approved:** CC 11-15-16