

**Riverton City, Utah
CITY COUNCIL MEETING
Minutes
October 3, 2023**

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

Attendance:

Mayor Trent Staggs

Councilmembers:

Councilmember Tish Buroker
Councilmember Tawnee McCay
Councilmember Troy McDougal
Councilmember Andy Pierucci
Councilmember Claude Wells

City Staff:

Ryan Carter, City Attorney
Kevin Hicks, Administrative Services Director
Jamie Larsen, City Recorder
Jason Lethbridge, Development Services Director
Cary Necaie, Public Works Director
Chief Blair Barfuss, Riverton Police Department
Chief Wade Watkins, Unified Fire Authority
Sheril Garn, Director of Events and Operations
Josh Lee, Communications Director

Mayor and Council Informal Meeting – 5:00 PM

WORK SESSION – 5:45 PM

Call to Order

Mayor Staggs called the Work Session to order at 5:50 PM and conducted a roll call. Councilmembers Buroker, McCay, McDougal, and Pierucci were present. Councilmember Wells joined via Zoom.

Presentations/Recognitions – N/A

Discussion Items

Discussion of Review Criteria for Development Permitting

Jason Lethbridge, Development Services Director, discussed the role of homeowner associations (HOAs) and the relationship between HOA rules and city ordinances. He mentioned that generally, HOAs can establish rules that are stricter than city ordinances but cannot create more lenient standards. He explained that the enforcement of HOA rules, often referred to as Conditions, Covenants, and Restrictions (CC&Rs), is typically the responsibility of the HOA itself.

Mr. Lethbridge provided examples of how different cities handle the notification of HOA requirements during the building permit process. Park City requires a notification form to be submitted with building permits but emphasizes that CC&R enforcement is the responsibility of the HOA. South Jordan mandates architectural committee approval for certain areas like

Daybreak. However, the majority of cities, as exemplified by Herriman, follow a hands-off approach, deferring CC&R enforcement to the HOA.

Ryan Carter, City Attorney, clarified the role of the City in cases involving development agreements, such as those with Suburban Land Reserve (SLR) or Daybreak. In these situations, he explained that the City's primary concern is ensuring that the necessary approvals have been obtained from the entity with design review authority over the property, whether it's SLR or Daybreak. The City's role is not to directly enforce CC&Rs on behalf of these entities but to confirm that the appropriate approvals have been granted. The City then evaluates the land use application against the development standards outlined in the development agreement.

Mr. Lethbridge said that Riverton includes language on permits and the City's website, directing residents to their mortgage documents, title reports, or the Salt Lake County Recorder's Office to find information about their HOAs.

Mr. Carter said the responsibility lies with property owners to be aware of their CC&Rs, as the City does not have the authority to enforce CC&Rs adopted by homeowner associations. He mentioned that in some communities with CC&Rs in place, homeowners' associations may not actively maintain their roles and responsibilities due to the associated costs, leading to the burden of enforcement falling on homeowners.

Councilmember McDougal agreed with the idea that the City should not involve itself in disputes related to CC&Rs since it lacks legal standing to do so. He expressed support for the language that places the responsibility on homeowners. He raised a concern regarding the gap that often exists between a development being completed and the homeowners' association (HOA) being established. He noted that developers often make representations about architectural styles and other aspects to the City, which leads to density approvals. Still, sometimes the developer doesn't transition to an HOA efficiently. He emphasized the need to address this gap and questioned how the City could manage this situation effectively.

Mr. Carter clarified that the homeowners' association (HOA) is created at the moment the subdivision application plat is filed because the CC&Rs are filed with it. Typically, the developer designates themselves as the board at that time. Developers often maintain control over the HOA until the subdivision is complete because they want to avoid activist neighbors interfering with their business. The transition from the developer to the residents is a mixed process, and it varies from case to case, involving elections and other factors.

Councilmember McDougal mentioned that in Councilmember McCay's area, residents are expressing a desire for more say in their HOA, but the developer has not transitioned control to them. He inquired if there was any way to ensure that the initial transition from developer to residents occurs, possibly tied to bond release or other mechanisms. In response, Mr. Carter explained that ensuring a smooth transition from developer control to residents in an HOA could be addressed through tools like development agreements. He recommended that, in cases where developers promise specific architectural standards or home products with increased density during the rezoning phase, the City should request a development agreement that guarantees these standards. Development agreements can serve as contractual obligations for developers to fulfill their promises, even if the property changes ownership. This approach could substitute for relying solely on homeowner's associations to enforce architectural standards.

Mr. Lethbridge highlighted two scenarios regarding the transition of responsibility from developers to homeowners associations. In gated communities where the HOA becomes

responsible for maintaining streets, this transition is typically made as the developer wants to relinquish these responsibilities. However, in subdivisions without common spaces or maintenance responsibilities, this transition may not occur smoothly. He mentioned that Riverton could work with development teams to ensure more effective handling of this transition, especially in subdivisions at different stages of development.

Councilmember Buroker pointed out that adding a notice on building permits might not effectively address the issue of homeowners not realizing they are part of an association until they want to build something that requires HOA approval. She also highlighted the importance of development agreements, which can help maintain architectural standards even if the property changes hands. She cited an example of a project on Redwood Road where such an agreement was used to preserve the historic look of the area.

Councilmember Pierucci suggested that it could be beneficial for building permit staff to verbally or through email remind individuals about their responsibilities in homeowners' associations during the permitting process, further helping to address concerns and raise awareness about their obligations in this regard.

Summary Report of Code Enforcement and Animal Control

Chief Blair Barfuss said that Deputy Chief Shane Taylor had been asked to speak about the process of integrating Animal Services and Code Enforcement into the police department.

Deputy Chief Taylor discussed the various aspects of integrating Animal Services and Code Enforcement into the police department. He mentioned the creation of standards and policies, including uniforms, to guide code enforcement and Animal Control. He also highlighted efforts to strengthen relationships with veterinary clinics and discussed the possibility of having Officer Watson obtain the necessary certifications for euthanization services if needed.

Deputy Chief Taylor mentioned reaching out to neighboring police departments like Draper, South Jordan, and Herriman to explore options for collaboration and shared facilities, particularly for euthanization services. However, these options seemed limited due to the high demand on their resources.

Regarding adoptions, Deputy Chief Taylor emphasized the importance of socializing animals and spending time with them to improve their adoptability. He mentioned the challenges of having to rely on Stone Ridge's availability and facilities for this purpose. He expressed the belief that having their own shelter would greatly enhance their ability to interact with and present animals for adoption successfully. Additionally, Deputy Chief Taylor discussed the credentials required for euthanization and the need for secure storage of medications.

Mayor Staggs thanked Deputy Chief Taylor for providing that background context on the situation with Animal Control Services and the partnership with Stone Ridge vet clinic. He said it's clear that there are challenges related to euthanization, the length of time animals are being housed, and the desire to maintain a no-kill status.

Chief Barfuss said the potential for a termination notice further underscores the need to explore alternative solutions and potentially bringing Animal Control Services in-house. It's crucial to ensure that the City can effectively and compassionately manage its animal services while considering future growth.

Councilmember Pierucci posed a question about the possibility of holding an adoption day event at the Stone Ridge clinic. He also asked what the City is currently doing to get the animals adopted and whether the City could partner with other agencies. In response, Chief Barfuss discussed the efforts made by staff to work with various organizations to increase adoptions.

Chief Barfuss highlighted the need to address various aspects, including adoptions and, if necessary, euthanization. He said they are working on obtaining DEA permits for medications and exploring facility and legal requirements. He expressed concern that a six-month notice from Stone Ridge to terminate the contract could have a significant impact on the City.

Councilmember McCay suggested exploring options for reducing adoption fees, potentially by offering special adoption days with lower fees, such as \$50 or even free on certain occasions. She expressed a willingness to help with organizing events to facilitate pet adoptions and create awareness around the issue.

Councilmember Buroker asked what would be done with dogs that are picked up now that the shelter is full. In response, Chief Barfuss mentioned that various animal services agencies in the south end of the valley and county communicate with each other, but they all seem to be facing the same problem of limited capacity for housing animals.

Mayor Staggs mentioned that there seemed to be a willingness on the part of the Council to consider suspending the fee schedule for adoptions and other related services to encourage people to adopt animals from the shelter. Councilmember Pierucci agreed and proposed establishing a process for adjusting adoption fees based on specific criteria, emphasizing the importance of effective advertising to encourage adoptions during fee-waived periods.

Councilmember Pierucci asked that code enforcement challenges be discussed during the strategic planning session in the future.

Project Review

Mayor Staggs discussed the list of ongoing projects within the City. These projects are regularly reviewed in executive staff meetings attended by department heads and the city manager. The projects include the 13400 South Bangerter Interchange, negotiations with UDOT regarding the 12600 South west of Bangerter, various development projects, the Edge project, property east of South Hills Middle School, the 12600 South RDA project, development on 3600 West 12600 South, renovations in the old downtown area, and the completion of 13200 South west of Mountain View Corridor. Mayor Staggs encouraged feedback on any high-priority projects not included in the list.

Mayor Staggs discussed the Community Center project stating that the top floor is nearly complete, with some finishing touches required. The bottom floor is in progress and expected to be finished by November, while the exterior, including the outdoor pavilion, will be completed in the spring. He said the golf course project involves communication with the County to potentially renovate the clubhouse and the 40-year-old pool. The Jacob Canal Trail involves the construction of a pedestrian bridge over 13400 South and Bangerter Highway. A \$2 million grant has been secured for the trail, and planning and engineering work is underway.

Councilmembers expressed that they would like to be notified when the bridge will be moved. Councilmember Pierucci discussed the need for a pullout along 13400 South for police officers to conduct speed enforcement, as this area has high speeds and congestion. Cary Necaise,

Public Works Director, said that he would look into this idea.

Mayor Staggs said the Google Fiber project is ongoing, with different phases and areas of the City being covered. Additionally, there's the spirit corner project at 12600 South Redwood Road, which involves a grant of \$50,000 to \$60,000 from the Conservancy District.

Mayor Staggs said there are plans for 10-acre and 16-acre parks, new additions to the City's existing 33 parks. The Parks Committee, along with Sheril Garn, have been working on design concepts, especially with Edge Homes. Additionally, the broadband project and the boring work for 10 Gig connectivity at various city facilities has been completed. The installation of the RO plant is expected to be finished around January or February.

Mayor Staggs reported that the City is progressing with secondary water metering, with phases two and three, aiming to complete the entire City. The 13800 South Canal Crossing project involves collaborating with Edge Homes to install a box culvert and connect the roadway. Several other projects were recently added to the list, including Trestle Lane and 1830 West waterline and widening, a sewer water line for 11800 South, a technology rollout for utility billing using Tyler Technologies, and the installation of security cameras in all parks and city facilities to address vandalism issues. Additionally, Chief has been working on a Citizen's Program to enhance police resources, and there's the Walker Detention Pond project in progress.

Adjournment of Work Session

Councilmember McCay **MOVED to adjourn the Work Session.** Councilmember McDougal **SECONDED** the motion. Mayor Staggs called for a vote; the vote was as follows: Buroker-Yes, McCay-Yes, McDougal-Yes, Pierucci-Yes and Wells-Yes. The motion passed unanimously. The Work Session adjourned at 6:54 PM.

COUNCIL MEETING – 7:00 PM

Call to Order

Mayor Staggs called the Riverton City Council Meeting to order at 7:05 PM and conducted a roll call. Councilmembers Buroker, McCay, McDougal, and Wells were present. Councilmember Pierucci joined via Zoom.

Prayer / Pledge of Allegiance

Pastor Danny Brooks offered the invocation and Chief Watkins led the Pledge of Allegiance.

Citizen Comment

Mayor Staggs called for public comments; there being none, he closed the Public Comment period.

Council Reports

Councilmember Wells – No Report.

Councilmember McDougal provided information about the closure of the composting program at TransJordan Sanitation. This closure, which was initially planned for November, has been

expedited due to a recent fire that damaged essential equipment. The decision to close the program was made as a cost-cutting measure. The composting program has been discontinued, and all compostable material will now go directly to the landfill.

Councilmember McCay provided an update on the recent League of Cities and Towns meeting. One of the key topics of discussion was modular housing and its potential impact on affordable housing in the state. The league recommended considering off-site third-party inspections for modular housing and limiting municipal liability, particularly for on-site construction aspects such as electrical and plumbing. The final inspections, however, would still be conducted by the City once the modules are brought in. The League is encouraging the state to give cities time to implement such housing solutions, especially considering higher interest rates.

Councilmember Pierucci shared updates regarding 13200 South, stating that Herriman City has reached out to report that construction on 13200 South is set to commence this month, with grading starting at the end of the month. The project is scheduled to be completed by May of the following year.

Councilmember Pierucci also provided information about the Chamber of Commerce's Women in Business program, specifically the junior Women in Business initiative. This program has partnered with local high schools to engage juniors and seniors interested in exploring careers in business.

Councilmember Buroker commended the City for successfully passing a surprise OSHA inspection, highlighting the City's commitment to maintaining safety standards.

Councilmember Buroker also acknowledged the effort put in by City staff to implement a new utility bill system, which resulted in a new look for the residents' utility bills. The transition required significant work and dedication from City staff.

Councilmember Buroker mentioned a recent event at the granary which was originally used by the Church of Jesus Christ of Latter-day Saints to store and transport goods to the main tithing yard in Salt Lake City. The City has recently undertaken repairs and renovations to preserve the granary. About 150 people attended the event, and she encouraged residents to participate in future events at the granary.

Mayor Staggs also highlighted the granary stating that the Council allocated approximately \$13,000 in the recent budget to restore and renovate the granary. He expressed appreciation for the residents who supported the granary event and thanked those who were involved in organizing Constitution Day, which took place between the previous city council meeting and the current one.

Presentations

Presentation to Riverton Community Arts Organization

Mayor Staggs explained that the Riverton Community Arts organization, a newly established 501(c)(3) nonprofit organization was created by Riverton residents to meet the diverse needs of the local arts community. The existing Riverton Arts Council has focused more on theatrical productions, making it challenging to access certain grants designated for broader arts programs.

Mayor Staggs said the goal is for Riverton Community Arts to replace the Riverton Arts Council as the formally recognized arts institution in the City. Formal recognition would grant Riverton Community Arts funding of \$7,500 from the City's budget, as well as access to the auditorium and future facilities like the outdoor pavilion.

Scott Reed, Riverton Community Arts, explained that his extensive background in volunteering, especially with the Riverton Arts Council in his earlier years, has fueled his passion for community involvement through arts events and programs. His vision for Riverton Community Arts is to create a centralized hub that includes various art groups, such as orchestra, dance, performing arts, and theater, with the aim of uniting these diverse arts within the community.

Mr. Reed clarified that Riverton Community Arts currently has four members, including himself. After the council meeting, they will begin onboarding more members. The existing members include Pam Henderson, who was present at the meeting, and Dave Martin and Dennis Page. Mr. Reed expressed the group's excitement in contributing their expertise to the organization. He mentioned that he had a productive discussion with members of the Riverton Arts Council to alleviate any tensions. He believes that the structural changes and new regulations will provide a better long-term solution for the community as the City continues to grow in a more scalable format.

Councilmember Pierucci asked what the vision was for programming and whether they planned to attract art programs to the City. In response, Mr. Reed emphasized that the main goal of Riverton Community Arts is not to become a professional organization. Their aim is to provide opportunities for individuals who are not professionals in the arts, allowing them to explore their passions and potentially develop their skills.

Councilmember Pierucci also asked about sources of funding for the organization and whether they would seek additional funding besides the money from the City. Mr. Reed said that there are various grants available, including the ZAP grant, which Riverton Community Arts plans to pursue. Some grants may require the organization to be formally recognized before they can apply. The goal is to expand the organization's programming and improve its portfolio to enhance its chances of securing funding through grants and partnerships.

Councilmember Pierucci said he wanted a clearer understanding of the organization's mission, vision, and a strategic plan before granting formal recognition and potential funding. Mr. Reed said Riverton Community Arts has a mission statement that he could forward to the Council.

Mayor Staggs thanked Mr. Reed for all of his efforts in organizing the Riverton Community Arts.

Administration of the Oath of Office to Craig Giles, City Manager

Jamie Larsen, City Recorder, administered the Oath of Office to Craig Giles, City Manager.

Oath of Office Administration

Chief Barfuss administered the Oath of Office to Sergeant Troy Morgan, Officer Dylan Stamper and Officer Dylan Rasmussen.

Unified Fire Authority Presentation

Chief Wade Watkins gave the Unified Fire Authority Presentation to the Council which covered a five-year recap of call volumes, emphasizing that overall, Riverton City is well-served by the Unified Fire Authority. It included information on each station, their staffing, and resources available. Call categories and response units were discussed, highlighting the key role of Station 120. Community patches for Riverton firefighters and upcoming events were mentioned, along with an invitation for one-on-one sessions and participation in the color guard.

Consent Items

Mayor Staggs presented the following Consent Agenda:

- a. Minute Approval: September 19, 2023;
- b. **Resolution No. 23-78** – Recognizing the Riverton Community Arts, a Non-Profit Corporation, as a Partner in Providing Arts Programs to Riverton City Residents.

Councilmember Pierucci **MOVED that the City Council remove Item b from the Consent Agenda.** Councilmember McCay **SECONDED** the motion. Mayor Staggs called for discussion on the motion. Mayor Staggs called for a roll-call vote. The vote was as follows: Buroker-yes, McCay-yes, McDougal-yes, Pierucci-yes and Wells-yes. The motion passed unanimously.

Councilmember Pierucci **MOVED that the City Council approve the Consent Agenda with only Item a.** Councilmember McDougal **SECONDED** the motion. Mayor Staggs called for discussion on the motion. Mayor Staggs called for a roll-call vote. The vote was as follows: Buroker-yes, McCay-yes, McDougal-yes, Pierucci-yes and Wells-yes. The motion passed unanimously.

Resolution No. 23-78 – Recognizing the Riverton Community Arts, a Non-Profit Corporation, as a Partner in Providing Arts Programs to Riverton City Residents

Councilmember Pierucci raised a question about how the funding and payment process would work upon recognizing Riverton Community Arts. He was seeking clarification on whether the organization would be authorized to access a pool of funds, or if they would need to submit requests for funding in a formal process.

Kevin Hicks, Administrative Services Director, shared information about the City's historical approach to funding such organizations. He explained that typically, the funding is provided at the end of the organization's fiscal period after they have shown how the money has been spent. He also mentioned that in this particular case, as it's a new organization, he would request a budget and follow up at the end of the fiscal period to ensure the funds were used as intended. He emphasized the importance of accountability and ensuring that funds are not accumulated but rather spent as intended.

Councilmember McCay asked if the City would still be funding other arts organizations. In response Sheril Garn, Events and Operations Director, explained that the Jazz band would continue to receive their allocated \$2,500 from the current year's budget. The Riverton Community Arts organization would receive the \$7,500 instead of the Riverton Arts Council, but they would collaborate on projects and share resources, which would help the new organization as they apply for grants and show financial stability.

Mr. Carter said the resolution has a two-fold effect. It recognizes a new group while

discontinuing recognition of the old one. This means that funding will not be allocated to the old organization. However, the jazz band is a separate and independent group, so it remains unaffected by these changes.

Councilmember McDougal said the decision to recognize the Riverton Community Arts organization has been a result of a comprehensive process and discussions over a significant period. The changes are intended to provide greater oversight and a more comprehensive approach to meeting the diverse arts and cultural needs of the residents. This shift in focus will enable the City to better align with its vision and serve a wider range of residents.

Councilmember Pierucci **MOVED that the City Council approve Resolution No. 23-78 – Recognizing the Riverton Community Arts, a Non-Profit Corporation, as a Partner in Providing Arts Programs to Riverton City Residents.** Councilmember Buroker **SECONDED** the motion. Mayor Staggs called for discussion on the motion. Mayor Staggs called for a roll-call vote. The vote was as follows: Buroker-yes, McCay-yes, McDougal-yes, Pierucci-yes and Wells-yes. The motion passed unanimously.

The Riverton Community Arts organization was presented with a check for \$7,500 from the City.

Public Hearings – N/A

Discussion/Action Items

Jordan Valley Water Conservancy District Board Vacancy

Mayor Staggs explained that there was a vacancy in the Jordan Valley Water Conservancy District board and the Council needed to nominate someone to fill this position before October 20. The Council had a short discussion about who to nominate.

Councilmember Buroker **MOVED that the City Council nominate Councilmember Andy Pierucci to serve on the Jordan Valley Conservancy District Board.** Councilmember McDougal **SECONDED** the motion. Mayor Staggs called for discussion on the motion. Mayor Staggs called for a roll-call vote. The vote was as follows: Buroker-yes, McCay-yes, McDougal-yes, Pierucci-yes and Wells-yes. The motion passed unanimously.

Resolution No. 23-76 – Authorizing a Purchase Order be issued to CXT to purchase a Pre-cast Restroom for the City Hall Back Plaza Project

Craig Calvert, Purchasing Manager, summarized the need for the purchase order for the pre-cast restroom and Mayor Staggs asked the Council for any motions.

Councilmember McCay **MOVED that the City Council approve Resolution No. 23-76 – Authorizing a Purchase Order be issued to CXT to purchase a Pre-cast Restroom for the City Hall Back Plaza Project.** Councilmember Buroker **SECONDED** the motion. Mayor Staggs called for discussion on the motion. Mayor Staggs called for a roll-call vote. The vote was as follows: Buroker-yes, McCay-yes, McDougal-yes, Pierucci-yes and Wells-yes. The motion passed unanimously.

Resolution No. 23-77 – Authorizing a Purchase Order be issued to Sonntag Recreation to purchase a pavilion for the City Hall Back Plaza

Mr. Calvert summarized the need for the purchase order for the pavilion and Mayor Staggs asked the Council for any motions.

Councilmember McCay **MOVED** that the City Council approve **Resolution No. 23-77 – Authorizing a Purchase Order be issued to Sonntag Recreation to purchase a pavilion for the City Hall Back Plaza**. Councilmember Buroker **SECONDED** the motion. Mayor Staggs called for discussion on the motion. Mayor Staggs called for a roll-call vote. The vote was as follows: Buroker-yes, McCay-yes, McDougal-yes, Pierucci-yes and Wells-yes. The motion passed unanimously.

Upcoming Meetings

- a. October 17, 2023 – Work Session & City Council Meeting
- b. November 7, 2023 - Work Session & City Council Meeting
- c. December 6, 2023 – Work Session & City Council Meeting
- d. January 2, 2024 – Work Session & City Council Meeting

Adjournment

Councilmember McDougal **MOVED** to adjourn the City Council Meeting at the conclusion of the Closed Session. Councilmember McCay **SECONDED** the motion. All voted in favor and the motion passed unanimously. The meeting adjourned at 8:20 PM.

Approved: CCM 10.17.23