

Riverton City
REGULAR CITY COUNCIL MEETING
Minutes
September 16, 2014

Riverton City Hall
12830 South 1700 West
Riverton, Utah 84065

Attendance:

Mayor William R. Applegarth

Council Members:

Council Member Brent Johnson
Council Member Trent Staggs
Council Member Sheldon Stewart
Council Member Tricia Tingey
Council Member Paul Wayman

City Staff:

Lance Blackwood, City Manager
Virginia Loader, Recorder
Ryan Carter, City Attorney
Jeff Hawker, Asst. City Manager
Trace Robinson, Public Works Director
Erik Sandstrom, UFA Battalion Chief
Rod Norton, UPD Chief, Riverton Precinct

Citizens: Michael S. Johnson, Wyoma Darlington, Dennis Page, John H. Jackson, J. Clint Jackson

CLOSED SESSION – 5:45 p.m.

Call to Order and Roll Call

[5:47:08 PM](#) Mayor Applegarth called the meeting to order at 5:47 p.m. and welcomed those in attendance. He then conducted a Roll Call and Council Members Staggs, Tingey, and Wayman were present. Council Member Brent Johnson was absent and Council Member Sheldon Stewart was excused.

1. Strategy Session to Discuss Litigation

[5:48:04 PM](#) Council Member Tricia Tingey **MOVED the City Council meet in a Strategy Session to discuss litigation.** Council Member Paul Wayman **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a Roll Call Vote. The vote was as follows: Johnson-Absent, Staggs-Yes, Stewart-Excused, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

Minutes of the Closed Session were taken and recorded and are now on file as a Protected Record.

1. GENERAL BUSINESS

Call to Order and Roll Call

[6:30:50 PM](#) Council Member Tricia Tingey called the Regular City Council Meeting to order at 6:30 p.m. and welcomed those in attendance. She then conducted a Roll Call and Council Members Johnson, Staggs, Tingey, and Wayman were present. Council Member Sheldon Stewart was excused.

Pledge of Allegiance – City Manager Lance Blackwood directed the Pledge of Allegiance.

Presentations/Reports

Recognition of Boy Scout Troops

There were no Boy Scouts in attendance.

Council Member Tricia Tingey moved to Staff and Elected Officials Reports as follows: [6:32:56 PM](#)

5. STAFF REPORTS

1. **City Manager Lance Blackwood** – No reports
2. **Safety Training** – No report

6. ELECTED OFFICIAL REPORTS

Council Member Brent Johnson – [6:33:09 PM](#) said it was his understanding that the Planning Commission approved a Conditional Use Permit (CUP) in a residential neighborhood for a business that has light manufacturing. He said that a Public Hearing took place without proper notice to the nearby residents and a CUP was issued; he questioned how that happened.

[6:34:55 PM](#) In response to Councilman Johnson, City Manager Lance Blackwood explained that although a CUP was granted, the property owner may be in violation of the terms of the CUP. He said he would report back following further research on the issue.

Council Member Trent Staggs – [6:36:47 PM](#) recognized the efforts of the City Staff in clearing out the Jordan Parkway. He spoke of the 1900 West Project and Public Works Director Trace Robinson explained the process prior to final design and Open House. Councilman Staggs then reported that he had received complaints regarding the number of vehicles that are parked in resident's front and/or back yards and he requested further discussion at a future Work Session.

Council Member Sheldon Stewart – Excused

Council Member Tricia Tingey – No report

Council Member Paul Wayman – [6:40:38 PM](#) spoke of the water user rate analysis that was prepared by Zions Bank to determine what the monthly user rate would be for single family residential customers if the City switched its water source to Jordan Valley Water Conservancy

District. He said that he did not feel good about the rate that they adopted on September 9, 2014 and he requested that the City Council relook at that rate and contract with Zions Bank to do another analysis to validate their decision or to come up with other options. He said he had contacted Zions Bank they said they could do an analysis at an additional cost, which would take approximately two weeks. He then asked if other City Council Members would be interested in pursuing another study. Council Member Tricia Tingey said she was not in favor of putting more money into a study. Council Member Staggs said he was supportive of looking at different rate structures at some time in the future but didn't feel there was value in restudying the issue at this time; Council Member Brent Johnson spoke in opposition of another survey, which he said would just be speculation. Council Member Wayman then said the main issue was what the rate was going to be; again, he said he did not feel comfortable with it.

Mayor Bill Applegarth – reported that he had the opportunity to meet with the Jordan School District to discuss their five-year plan and he was very encouraged with their plans, their new employees and with their new financial plan.

Public Comments

[6:32:26 PM](#) Council Member Tricia Tingey explained the public comment procedure and called for public comments. There were no public comments; therefore, she closed the Public Comment period.

2. PUBLIC HEARINGS

1. Public Hearing – Consideration of a One Year Lease Agreement with the South Valley Sanctuary, a Utah Nonprofit Organization dedicated to the purpose of providing support to victims of domestic violence

[6:51:02 PM](#) Ryan Carter, City Attorney, explained that, Pursuant to Utah Code Annotated, Section 10-8-2, the City Council may waive revenues in the form of rental fees otherwise due to the City and may otherwise provide financial and nonfinancial support to a nonprofit entity providing services to the citizens of the City. He said to do this, the City must first conduct a form of a cost benefit analysis that measures the value of the intangible benefits which City residents may receive in connection with a transaction where the City forebears acceptance of revenue. The intangible benefits must also be found to enhance the health, safety, welfare, moral well-being of the community. He further explained that Section 10-8-2 also limits the charitable contribution to nonmonetary contributions such as rental fee waivers and City services. It also limits the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year, which is not an issue in the present case.

Mr. Carter further explained that South Valley Sanctuary, Inc. is a nonprofit corporation, and the requested nonmonetary contribution for use of Room #S 107 in the Sandra Lloyd Community Center for a term of one year. He said that from collection of rents gathered during ordinary use of the room over the past three years, the City has generously estimated that the amount of rent that the City could reasonably expect to receive from ordinary use of the space may equal, but not exceed, \$5,000.00 per year.

Mr. Carter said the proposed Lease Agreement between Riverton City and South Valley Sanctuary, Inc. identifies the location of the office space and sets forth the terms and conditions of the Lease. The South Valley Sanctuary has a history of being a good tenant under the terms of a similar lease agreement with West Jordan City, wherein the South Valley Sanctuary leases room space within West Jordan City Hall. He then recommended the City Council hold a public hearing and accept public comment on whether the intangible benefits received by approving a Lease Agreement with the South Valley Sanctuary would equal or exceed the value of the rents waived through ordinary use of the building and consider whether to approve a Lease Agreement as provided by City staff.

[6:59:58 PM](#) Mr. Carter addressed questions from Council Members.

[7:00:35 PM](#) Mayor Applegarth reported on incidents he and Council Member Stewart witnessed at the South Valley Sanctuary and he spoke in favor of the center and the services they offer. Jen Campbell, South Valley Sanctuary representative, thanked the City for their support and resources. She spoke of the services that have benefited many Riverton City residents and she spoke of the services they offer.

Mayor Applegarth open a Public Hearing and called for public comment.

[7:06:54 PM](#) Wyoma Darlington encouraged the City to support the South Valley Sanctuary and spoke of various experiences she was aware of.

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

Resolution No. 14-61 – Approving a Lease Agreement with the South Valley Sanctuary

[7:09:14 PM](#) Council Member Trent Staggs **MOVED the City Council approve Resolution No. 14-61 - Authorizing the Mayor to execute a lease agreement with the South Valley Sanctuary in accordance with said Resolution.** 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: Johnson-Yes, Staggs-Yes, Stewart-Excused, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

Council Members offered resources to help accommodate the move to the Riverton City location.

3. DISCUSSION/ACTION ITEMS

Establish Open House Dates and Venues for Council Districts 3, 4 & 5

The following dates were scheduled for Council District Open Houses regarding the Water Rate Study and Survey:

[7:13:00 PM](#) Council Member Paul Wayman, Council District 3, scheduled an Open House on November 6, 2014 from 6:00 to 8:00 p.m. at the C. R. Hamilton Pavilion.

Council Member Trent Staggs, Council District 4, and Brent Johnson, Council District 5 scheduled a Joint Open House on October 23, 2014 from 6:00 to 9:00 p.m. at Riverton City Hall.

4. CONSENT AGENDA

1. **Minutes:** FT 09-06-14; RCCM 09-09-14
2. **Bond Releases:** N/A
3. *See below*
4. **Resolution No. 14-60** – Ratifying a Purchase Order given to Sontag Recreation to Furnish and Install a New Playground at Homestead Park

Council Member Paul Wayman requested that Item 4.3 be removed from the Consent Agenda for further discussion.

7:16:29 PM Council Member Trent Staggs **MOVED the City Council approve the Consent Agenda with the exception of Item 4.3.** Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; Staggs-Yes, Stewart-Excused, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

3. **Resolution No. 14-59** – **Authorizing the City to Approve an amendment to the Federal Aid Agreement with The Utah Department of Transportation for Funding of The 13400 South Widening Project; 4000 West to Mountain View**

7:17:01 PM Trace Robinson noted an error on the Issue Paper that the Council received regarding this issue then explained that in 2009, Riverton City obtained Federal Funding for the reconstruction and widening of 13400 South from 4000 West to Mountain View. On April 29, 2010 Riverton City entered into a Federal Aid Agreement with the Utah Department of Transportation for the construction of the project and during construction. The contractor experienced delays due to utility work performed by Questar Gas Co.; those delays resulted in a claim of \$524,820.98. Riverton was able to obtain an additional \$300,000 STP funding through the WFRC to offset some of those costs. He further explained that the amendment outlines the obligation of the City for their match and identifies and authorizes the funding for the project, which required that Riverton pay the match of %6.77, which is \$20,300.00 (*which is the correct amount for the Issue Paper*). Mr. Robinson said the match was included in the numbers previously submitted to and approved by the Council on August 5, 2014 regarding the Settlement Agreement with Wadsworth Bros Construction.

Council Member Paul Wayman **MOVED the City Council approve Resolution No. 14-59 - Authorizing the City to Approve an amendment to the Federal Aid Agreement with The Utah Department of Transportation for Funding of The 13400 South Widening Project; 4000 West to Mountain View.** Council Member Trent Staggs **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; Staggs-Yes, Stewart-Excused, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

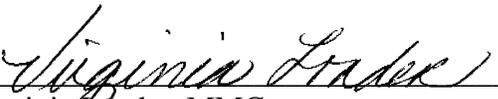
7. UPCOMING MEETINGS

Mayor Applegarth reviewed the following upcoming meetings:

1. **September 30, 2014** – 6:00 p.m. – City Council and Emergency Training
2. **October 7, 2014** – 6:30 p.m. – Regular City Council Meeting
3. **October 21, 2014** – 6:30 p.m. - Regular City Council Meeting

8. ADJOURN

7:22:36 PM Council Member Paul Wayman **MOVED to adjourn the 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 vote. The vote was as follows: Council Member Johnson-Yes, Staggs-Yes, Stewart-Excused, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.** Mayor Applegarth declared the meeting adjourned 7:22 p.m.



Virginia Loader, MMC
Recorder

Approved: CC 10-07-14