



**RIVERTON CITY
REGULAR CITY COUNCIL MEETING
AGENDA**

August 18, 2015

Notice is hereby given that the Riverton City Council will hold a **Regular City Council Meeting** beginning at **6:30 p.m.** on **August 18, 2015** at Riverton City Hall, located at 12830 South 1700 West, Riverton, Utah.

1. GENERAL BUSINESS

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Presentations/Reports
 1. Recognition of Boy Scouts
 2. Presentation of Utah Local Governments Trust 2014 TAP Award – Doug Folsom
 3. Report from Miss Riverton Lindsey Gill
4. Public Comments

2. PUBLIC HEARINGS – 6:30 P.M. – or as soon after as practicable

1. **Public Hearing** – Proposed amendments to Title 17, Subdivisions, Section 17.20.010, repealing section (3), which addresses security gates on public streets, Amendments proposed by Riverton City- Jason Lethbridge, Planning Manager
 1. **Ordinance No. 15-13** - Amending Section Repealing Riverton City Ordinance 17.20.010 (3), “Security Gate in Lieu of Two Connections to Public Streets within a Subdivision”, Amendments proposed by Riverton City
2. **Public Hearing** – Proposed rezone of 8.8 acres located at approximately the north west corner of 1300 West 12600 South to RM-14, currently R-4 and C-G Zones, Keystone Construction, Applicant – Jason Lethbridge, Planning Manager
 1. **Ordinance No. 15-11** - Rezoning 8.8 acres located at approximately the north west corner of 1300 West 12600 South from R-4 and C-G to RM-14, (Residential Multi-Family with 14 units per acre maximum density)
3. **Public Hearing** – Proposed amendments to Riverton City Code Section 18.10.070, ‘Real property to be kept clean’, Amendments proposed by Riverton City - Jason Lethbridge, Planning Manager
 1. **Ordinance No. 15-12** - Amending Riverton City Code Section 18.10.070, ‘Real property to be kept clean’
4. **Public Hearing** – Proposed Amendments to Riverton City Code Section 6.05, Animals, Establishing a ‘Hobby License’, Amendments proposed by Riverton City - Jason Lethbridge, Planning Manager
 1. **Ordinance No. 15-14** - Amending Riverton City Code Section 6.05, Animals, Establishing a ‘Hobby License’

3. DISCUSSION/ACTION ITEMS

1. **Final Plat Approval**, Midas Crossing Phase 2, 11800 South 2700 West, 30 lots, Ivory Development, LLC, Applicant - Jason Lethbridge, Planning Manager
2. **Single Phase Subdivision**, The Creek at Lovers Lane, 3 Lots, 13270 South Lovers Lane, RR-22 Zone, Ridge at Lover’s Lane LLC, Applicant - Jason Lethbridge, Planning Manager
3. **Site Plan**, Our Journey School DBA Montessori at Riverton, 1646 West 13200 South,

C-N Zone, Emily Aune, Applicant - Jason Lethbridge, Planning Manager

4. **Resolution No. 15-62**- Adopting Rules of Order and Procedure for Public Meetings of the Riverton City Council – Ryan Carter, City Attorney
5. Process for choosing a Riverton Historical Society and potential funding – Council Member Paul Wayman

4. CONSENT AGENDA

1. **Minutes:** N/A
2. **Bond Releases:**
 1. Villages at Park Avenue (West) Phase 1 – 100% Warranty
 2. Holy Trinity Lutheran (Landscaping) Church – 90% Performance
 3. Summerwood Estates Phase 4 – 100% Warranty
3. **Resolution No. 15-59** - Approving the execution of a Stormwater Easement between Riverton City and PacifiCorp – Trace Robinson, Public Works Director
4. **Resolution No. 15-60** – Ratifying the approval of a Change Order given to England Construction to complete the Margaret Park Subdrain Project – Craig Calvert, Purchasing Manager
5. **Resolution No. 15-61** - Ratifying an emergency purchase to Widdison Turbine Service to repair the Hill Well Booster Pump - Craig Calvert, Purchasing Manager

5. STAFF REPORTS - Lance Blackwood, City Manager

6. ELECTED OFFICIAL REPORTS

1. Mayor Bill Applegarth
2. Council Member Brent Johnson
3. Council Member Trent Staggs
4. Council Member Sheldon Stewart
5. Council Member Tricia Tingey
6. Council Member Paul Wayman

7. UPCOMING MEETINGS

1. August 25, 2015 – Regular City Council Meeting – 6:30 p.m.
2. September 1, 2015 – Regular City Council Meeting – 6:30 p.m.
3. September 15, 2015 - Regular City Council Meeting – 6:30 p.m.

8. ADJOURN

Public Comment Procedure

At each Regular City Council Meeting any person wishing to comment on any item not otherwise on the Agenda may address the Governing Body during the Public Comment period. The comment period is limited to 30 minutes. Any person wishing to comment shall limit their comments to no more than three (3) minutes, unless additional time is authorized by the Mayor. Citizen groups will be asked to appoint a spokesperson, who shall limit their comments to no more than five (5) minutes. All comments shall be directed to the Mayor and City Council. No person addressing the Governing Body during the comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate or dialogue with the Mayor, City Council or City Staff during the meeting.

The City Office is an accessible facility. Individuals needing special accommodations or assistance during this meeting shall notify the City Recorder's Office at 801-208-3126, at least two business days in advance of the meeting. Accessible parking and entrance are located on the south end of the building with elevator access to the City Council Chambers located on the second floor.

Certificate of Posting

I, Virginia Loader, the duly appointed and acting Recorder for Riverton City certify that, at least 24 hours prior to such meeting, the foregoing City Council Agenda was emailed to the Salt Lake Tribune, Deseret News and the South Valley Journal. A copy of the Agenda was also posted in the City Hall Lobby, on the City's Website at www.rivertoncity.com, and on the Utah Public Meeting Notice Website at <http://pmm.utah.gov>.

Dated this 14th day of August 2015

Virginia Loader, Recorder



Issue Paper

Item No. 2.1

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: ORDINANCE AMENDMENT, REPEALING RIVERTON CITY ORDINANCE 17.20.010 (3), "SECURITY GATE IN LIEU OF TWO CONNECTIONS TO PUBLIC STREETS WITHIN A SUBDIVISION", AMENDMENTS PROPOSED BY RIVERTON CITY	Meeting Date: August 18, 2015	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>In spring of 2013, the City Council reviewed a request for the installation of an emergency vehicle gate on Reeve's Lane in Riverton City. As part of that review process, the Riverton City Attorney determined that Riverton City's ordinance regulating streets prohibited closure of the north end of Reeve's Lane because Riverton City Code prohibits cul-de-sacs in excess of 450 feet in length. There was also a concern that sealing off Reeves Lane completely from connecting with property further to the north could trigger a regulatory taking claim against the City. The ultimate solution was an amendment to the Riverton City Code which empowered the Riverton City council to authorize a security gate in lieu of opening a roadway to comply with cul-de-sac standards under our ordinance. The ordinance permitting a security gate, however, was freighted with criteria so specific that it seemed implausible it could be used to authorize a security gate in any other location of Riverton City. The ordinance is presented to the Council for review of the proposed repealing.</p>		
Recommendation: <p>On August 13, 2015, the Planning Commission voted to recommend DENIAL of this ordinance amendment.</p>		
Planning Commission Recommended Motion: <p>"I move the City Council DENY Ordinance No. 15-13, the proposed repealing of Riverton City Ordinance Section 17.20.010 (3), "Security Gate in Lieu of Two Connections to Public Streets within a Subdivision"."</p>		

RIVERTON CITY, UTAH
ORDINANCE NO. 15-13

**AN ORDINANCE AMENDING SECTION REPEALING RIVERTON CITY
ORDINANCE 17.20.010 (3), "SECURITY GATE IN LIEU OF TWO CONNECTIONS TO
PUBLIC STREETS WITHIN A SUBDIVISION", AMENDMENTS PROPOSED BY
RIVERTON CITY**

WHEREAS, the Riverton City Planning Commission has received public input and made a recommendation regarding the above listed ordinance changes; and,

WHEREAS, the City Council has held a public hearing to consider said ordinance change; and,

WHEREAS, the Riverton City Council has determined that it is in the best interest of the public to amend the Riverton City Ordinances as described herein.

NOW THEREFORE, BE IT ORDAINED by the City Council of Riverton City, Utah as follows:

Section 1. The Riverton City Land Use Code section 17.20.010 (3) shall be, and hereby is, repealed, as shown in Exhibit "A" attached hereto.

Section 2. This ordinance shall take effect upon passage.

PASSED AND APPROVED by the City Council of Riverton, Utah, on this 18th day of August, 2015 by the following vote:

	YES	NO	ABSTAIN	ABSENT
Council Member Brent Johnson	_____	_____	_____	_____
Council Member Trent Staggs	_____	_____	_____	_____
Council Member Sheldon Stewart	_____	_____	_____	_____
Council Member Tricia Tingey	_____	_____	_____	_____
Council Member Paul Wayman	_____	_____	_____	_____

RIVERTON CITY

[SEAL]

ATTEST:

Bill Applegarth, Mayor

Virginia Loader, MMC
Recorder

Exhibit “A”

17.20.010 Streets and bridges.

(1) Relation to Adjoining Street System. Except as provided under subsection (3) of this section, the subdivider shall locate streets within the subdivision so that the streets will connect with existing streets. Streets shall be located and designed so that the adjoining land shall not be diminished in value. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided.

(2) Standards.

(a) Major and collector streets shall conform to the location and width designated on the transportation element of the general plan and the official map accompanying the element wherever a subdivision falls in an area for which such a plan has been adopted.

(b) The required right-of-way width of minor streets shall be 60 feet.

(c) Minor terminal streets (cul-de-sacs) shall not be longer than 450 feet from the centerline of the adjoining street to the center of the cul-de-sac. Each cul-de-sac must be terminated by a turnaround of not less than 100 feet in diameter. If surface water drains into the turnaround, due to the grade of the street, necessary catch basins and drainage systems and easements shall be provided. Where a street longer than one lot but not to exceed 400 feet is designed to remain only temporarily as a dead-end street, an adequate turning area shall be provided as follows:

(i) Where the street dead-ends into a subsequent phase of the same subdivision, a temporary, graveled 80-foot diameter turnaround and a permanent easement of right-of-way on the property shall be required. However, if the subsequent subdivision phase is not recorded at the time of roadway paving in the preceding phase, an 80-foot diameter asphalt surfaced turnaround shall be placed in the preceding phase.

(ii) Where the street dead-ends against property which is not part of a subsequent subdivision phase, either a bubble inside the subdivision or an asphalted 80-foot diameter turnaround, along with a permanent easement of right-of-way from the adjacent property, shall be provided.

(d) Streets along a subdivision boundary shall be constructed to city standards, except that at the recommendation of the planning commission and with the approval of the city council the right-of-way line may be contiguous with the back of the curb.

(e) Partial street right-of-way width shall be considered only if full asphalt and curb and gutter improvements are installed on both sides of the road. The city council may allow a partial right-of-way only when the above-described improvements are installed. In this case, and in order to equalize improvement costs between adjoining property owners, a protection strip agreement may be entered into on forms prescribed by the city and as allowed in this title.

(f) All proposed streets, whether public or private, shall conform to the Riverton City Standard Specifications and Plans Manual.

~~(3) Security Gate in Lieu of Two Connections to Public Streets within a Subdivision. Notwithstanding the length limitations for cul de sacs described in subsection (2) of this section, a security gate which permits public emergency vehicle ingress and egress, but otherwise prohibits ingress and egress of the general public, may be permitted by the Riverton City council at one end point of a minor street within a subdivision, provided the following conditions are met:~~

~~(a) The Riverton City council finds and determines that the proposed location of the security gate is also located upon the territorial border of Riverton City and a neighboring municipality;~~

~~(b) The Riverton City council finds and determines that all components of the proposed public safety gate, apart from electrical power lines which connect to an electrical utility, would be located more than 1,320 direct linear feet from the nearest collector street;~~

~~(c) Any roadway leading up to the location of a security gate within the municipal territory of Riverton City shall be designed to include an 80 foot diameter turnaround within 100 feet of the security gate, or shall otherwise feature a roadway design which enables emergency vehicle turnaround compliant with applicable standards;~~

~~(d) As a condition of granting installation of a public security gate the city council may require the installation of signage and other traffic control devices at the point of installation and along any and all routes to/from that point;~~

~~(e) A security gate may not be installed upon the dead end point of a minor street within an existing subdivision unless conditions on subsections (3)(a) through (d) of this section are present, and Riverton City has followed all statutes which govern the process to vacate a city street under Utah Code Sections 10-9a-609.5, 10-9a-608, 10-9a-208, or successor statutes.~~

**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Planning Department

DATE: August 18, 2015

SUBJECT: ORDINANCE AMENDMENT, REPEALING RIVERTON CITY ORDINANCE 17.20.010 (3), "SECURITY GATE IN LIEU OF TWO CONNECTIONS TO PUBLIC STREETS WITHIN A SUBDIVISION", AMENDMENTS PROPOSED BY RIVERTON CITY

On August 13, 2015, the Planning Commission voted to recommend the City Council DENY Ordinance 15-14. A record of motion and comment is included below, and minutes will be made available once transcribed. The Planning Commission recommended the following motion:

I move the City Council DENY Ordinance #15-14, the proposed repealing of Riverton City Ordinance Section 17.20.010 (3), "Security Gate in Lieu of Two Connections to Public Streets within a Subdivision".

BACKGROUND:

In spring of 2013, the City Council reviewed a request for the installation of an emergency vehicle gate on Reeve's Lane in Riverton City. As part of that review process, the Riverton City Attorney determined that Riverton City's ordinance regulating streets prohibited closure of the north end of Reeve's Lane because Riverton City Code prohibits cul de sacs in excess of 450 feet in length. There was also a concern that sealing off Reeves Lane completely from connecting with property further to the north could trigger a regulatory taking claim against the City. The ultimate solution was an amendment to the Riverton City Code which empowered the Riverton City council to authorize a security gate in lieu of opening a roadway to comply with cul de sac standards under our ordinance. The ordinance permitting a security gate, however, was freighted with criteria so specific that it seemed implausible it could be used to authorize a security gate in any other location of Riverton City. The City Council, following a recommendation for approval by the Planning Commission, adopted the amended language, which reads as follows:

(3) Security Gate in lieu of two connections to public streets within a subdivision. Notwithstanding the length limitations for cul-de-sacs described in subsection (2) of this section, a security gate which permits public emergency vehicle ingress and egress, but otherwise prohibits ingress and egress of the general public, may be permitted by the Riverton City Council at one end point of a minor street within a subdivision, provided the following conditions are met:

(a) The Riverton City Council finds and determines that the proposed location of the security gate, is also located upon the territorial border of Riverton City and a neighboring municipality;

(b) The Riverton City Council finds and determines that all components of the proposed public safety gate, apart from electrical power lines which connect to an electrical utility, would be located more than 1320 direct linear feet from the nearest collector street.

(c) Any roadway leading up to the location of a security gate within the municipal territory of Riverton City shall be designed to include an 80-foot diameter turnaround within 100 feet of the security gate, or shall otherwise feature a roadway design which enables emergency vehicle turnaround compliant with applicable standards;

(d) As a condition of granting installation of a public security gate the City Council may require the installation of signage and other traffic control devices at the point of installation and along any and all routes to/from that point.

(e) A security gate may not be installed upon the dead-end point of a minor street within an existing subdivision unless conditions on subsections 3 (a) through (d) are present, and Riverton

City has followed all statutes which govern the process to vacate a city street under Utah Code Sections 10-9a-609.5, 10-9a-608, 10-9a-208, or successor statutes.

Since that time, the issue of the security gate which precipitated the ordinance's adoption has been under further review by the City. The City Council at one time did not authorize approval for the gate for fiscal reasons. Since then, the City has produced additional traffic study data which supports the proposition that Reeves Lane remain open. Candidly, the traffic study data produced by the City does not hold the same weight as a comprehensive traffic study for the simple reason that it does not estimate trip generation from regions outside of Reeves Lane. However, the basic fact remains that the ordinance which allows a security gate in this region will impede emergency traffic flow under certain circumstances, which is why cul de sac length restrictions exist in the first place. In other words, allowing a security gate in lieu of opening Reeves Lane is not an ideal solution, and it never was. This is why adoption of the security gate ordinance was a difficult decision for the Council in the year 2013.

Funding for the security gate was specifically not included the Council's most recent budget. As this ordinance was narrowly crafted to address very specific situations such as this, and in light of the decision not to fund installation of a gate, the ordinance is before you for reconsideration. The specific question to be considered by the City Council is whether the ordinance above should be maintained in the Land Use Code or repealed. Information regarding the proposed gate on Reeves Lane, or any other situation where the ordinance may be applied, is certainly relevant to the discussion, but the Council's motion is focused on the ordinance itself. The Planning Commission, in their review of the proposed ordinance, voted to recommend the City Council not repeal the ordinance.

ATTACHMENTS

1. Redline Copy of Section 17.20.010 (3), "Security Gate in Lieu of Two Connections to Public Streets within a Subdivision"
2. Minutes from Original Adoption of Ordinance
3. Traffic Data and Map of Reeves Lane Area

ATTACHMENTS:

The following items are attached for your review:

1. A copy of Ordinance 17.20.010 showing the proposed amendments.

Minutes

PLANNING COMMISSION ATTENDANCE & COMMENT LIST

Meeting Date: 8-13-15

	Brian Russell	Dennis Hansen	Kent Hartley	Cade Bryant	James Endrizzi	Scott Kochevar	James Webb
PRESENT	✓	✓	✓	✓	✓		✓
ABSENT						✓	✓

Staff Present: Andrew Aagard, Planning Department; Casey Taylor, Deputy City Attorney;
 Gordon Miner, Engineering Department; Jason Lethbridge, Planning Department
 Ryan Carter, City Attorney

PUBLIC COMMENTS:

ITEM 1.A Gate Ordinance Public Hearing

1 <u>Jason Letters</u>	2 <u>Fred Larsen</u>	3 <u>Cameron Francis</u>	4 <u>Tish Barocher</u>	5 <u>Justin Coleman</u>	6 <u>Amy McCarr</u>
7 <u>Angela Healey</u>	8 <u>Eric Uelandahl</u>	9 <u>Marcie Sigmiller</u>	10 <u>Karen Hansen</u>	11 <u>Paul Vandone</u> Matthews	12 <u>Margo Chapman</u>
13 <u>Greg Hunter</u>	14	15	16	17	18
19	20	21	22	23	24

ITEM 1.B

1 <u>Steve Maddox</u>	2 <u>Derreck Reimer</u>	3 <u>Ben Wallace</u>	4 <u>Russell Perkins</u>	5 <u>Amber Olberg</u>
6 <u>Gerald Way</u>	7 <u>Angela Merrill</u>	8	9	10
11	12	13	14	15
16	17	18	19	20

Planning Commission Motion

Meeting Date: 8-13-15

Item: Gate Ordinance

Agenda Item# 1.A

	Brian Russell	James Endrizzi	Dennis Hansen	James Webb	Cade Bryant	Kent Hartley	Scott Kochevar
Motion			✓				
Second				✓			

Motion: Motion # _____ (if multiple motions)

No Change From Proposed Motion In Packet

not

I move the Planning Commission recommend the City Council ^{not} repeal Riverton City Ordinance Section 17.20.010 (3), "Security Gate in Lieu of Two Connections to Public Streets within a Subdivision".

VOTE:

	Brian Russell	James Endrizzi	Dennis Hansen	James Webb	Cade Bryant	Kent Hartley	Scott Kochevar
AYE	✓	✓ <i>JA</i>	✓	✓ <i>WJ</i>	✓ <i>CB</i>		
NAY		<i>JE</i>		<i>WJ</i>	✓		
ABSTAIN							

PASS

FAIL

1 RIVERTON CITY PLANNING COMMISSION
2 MEETING MINUTES

3
4 August 13, 2015

5
6 The Riverton City Planning Commission convened at 6:30 p.m. in the Riverton City
7 Municipal Building, 12830 South 1700 West, Riverton, Utah.

8
9 Planning Commission Members:

Staff:

10
11 Dennis Hansen
12 James Endrizzi
13 James Webb
14 Cade Bryant
15 Brian Russell

Jason Lethbridge, City Planner
Gordon Miner, City Engineer
Ryan Carter, City Attorney

16
17 Chair Russell called the meeting to order. Commissioner Endrizzi led the Pledge of
18 Allegiance.

19
20 I. PUBLIC HEARING

21
22 A. **ORDINANCE AMENDMENT, REPEALING RIVERTON CITY ORDINANCE**
23 17.20.010 (3), "SECURITY GATE IN LIEU OF TWO CONNECTIONS TO
24 PUBLIC STREETS WITHIN A SUBDIVISION", AMENDMENTS PROPOSED
25 BY RIVERTON CITY.
26

27 City Planner, Jason Lethbridge, presented the staff report and stated that this is a fairly
28 complex issue but he would keep his presentation as simple as possible. He stated that
29 the ordinance came from a very specific situation, and in essence allows the City Council,
30 under very strict conditions, to erect a gate across a public right-of-way, which would allow
31 for emergency access only. Mr. Lethbridge indicated that the specific conditions in the
32 ordinance could be found in the staff report.
33

34 Mr. Lethbridge then briefly explained the situation surrounding Reeves Lane, for which this
35 ordinance was created and adopted. City Attorney, Ryan Carter, stated that although this
36 street is not specifically mentioned in the ordinance, the language is so specific that he
37 could not imagine another location in Riverton City where the ordinance could be applied.
38 Mr. Lethbridge asked the Commission to remember that their decision for that meeting was
39 not to determine if a gate was needed in that location, but if the ordinance should remain
40 in the City code.
41

42 Commissioner Bryant requested more information about why the ordinance was created
43 to begin with. Mr. Carter explained the situation regarding Reeves Lane in more depth,
44 including the complications created by the limited length of a cul-de-sac, and the fact that
45 the area is on the border of Riverton and South Jordan. Currently, Ivory Homes is building
46 a subdivision in South Jordan that would be required to connect to Reeves Lane if the

1 ordinance were repealed. Mr. Carter informed the Commission that there were currently a
2 few cement barriers placed on Reeves Lane, primarily to prevent construction traffic and
3 large trucks from passing through. Recently, the Engineering Department approached the
4 City Council about installing a gate, as originally intended, but the funds were not within
5 the budget and the Council opted not to install the gate at this time.

6
7 Commissioner Hartley commented that he personally drove the area in response to a
8 concerned resident. He understood why the residents would want the road to remain
9 closed to public traffic, for fear of increasing the traffic flow and for the safety of their
10 children. Commissioner Hartley also commented on the dangerous hill and blind spot on
11 Riverwalk Drive. Mr. Carter confirmed that a traffic study had not yet been conducted.

12
13 Chair Russell opened the public hearing.

14
15 Jason Letters, a Reeve's Lane resident, distributed maps to the Planning Commission,
16 identifying the quickest current route to 11400 South and the quickest route using Reeves
17 Lane if it were opened. He pointed out that it was a negligible difference in terms of
18 distance. Mr. Letters stated that their concern is not an increase of traffic for people living
19 within the neighborhood, but of through traffic. If Reeves Lane were opened, many people
20 would take that road to get from 11400 South to destinations beyond their neighborhood.
21 He also stated that many children play on Reeves Lane, and it would create a serious
22 safety hazard.

23
24 Fred Larsen shared Mr. Letters' concern with creating a through-street from 11400 South.
25 He stated that people will always look for the fastest route to avoid heavy traffic, and a GPS
26 is programmed to do that as well. Mr. Larsen it was premature to repeal the ordinance.

27
28 Cameron Francis, a Reeves Lane resident, commented that the majority of the residents
29 he had spoken to would prefer the ordinance remain as is. The ordinance was drafted with
30 a lot of care, and he knew that Mr. Carter had spent a significant amount of time creating
31 language that would work for this situation. Mr. Francis also believed that the Fire and
32 Police Departments, Mayor, City Council, Planning Commission and the public were in
33 favor of the ordinance passed and it would be a shame to do away with it now. He stated
34 that the ordinance is a valuable tool they could utilize as a traffic calming measure.

35
36 Tish Buroker, a Riverwalk Way resident, stated that she did not share the opinion of the
37 majority of her neighbors, and was in favor of the repealing the ordinance. She was
38 optimistic that the traffic would be reduced once the road is opened up. Ms. Barocher also
39 commented to the dangerous intersection at Riverwalk Way and Lampton View Drive,
40 especially in the winter months.

41
42 Justin Coleman, a Reeves Lane resident, commented that opening up the road would just
43 increase the dangers of the Riverwalk Way and Lampton View Drive intersection, as it
44 would bring in drivers who do not know the area.

45

1 Hani Makar gave his address as 11829 Reeves Lane and commented that other roads in
2 the neighborhood will probably see a decrease in traffic, as everyone will be taking Reeves
3 Lane.

4
5 Angela Healy felt strongly that traffic will increase, as it will be a direct street through the
6 neighborhoods.

7
8 Eric Veenendaal, who lives at the south end of Lampton View Drive, was in favor of not
9 only keeping the ordinance, but installing a gate. He shared the same concerns as those
10 stated previously. Mr. Veenendaal also commented on the concerns with GPS devices,
11 which almost all use an application called "Ways". The primary purpose of the application
12 is to find the shortest route possible to a destination. He stated that this creates an issue
13 with cities everywhere, as GPS systems take people through residential neighborhoods as
14 opposed to main roads.

15
16 Marci Seegmiller, a Reeves Lane resident, stated that Reeves Lane was left open with the
17 potential to connect to South Jordan, however, that was prior to 11400 South becoming
18 such a major thoroughfare. Ms. Seegmiller also spoke with some of the neighbors,
19 including those in the new Ivory Homes development. They were primarily in favor of a
20 gate being installed.

21
22 Karen Hansen shared concerns about the safety of the roads, especially for those who are
23 unfamiliar with the neighborhood.

24
25 Paul Vankomen directed the Commission to the memorandum they received from the
26 Planning Department in the staff report, which states that the proposed ordinance was a
27 traffic calming tool and will be used for emergency access. He also pointed out that there
28 was no date to support the repeal of the ordinance. Mr. Vankomen commented that the
29 ordinance is not a guarantee for a gate but it gives the City Council the option to approve
30 one. He felt it would be premature to remove the ordinance and remove the possibility of
31 a gate being installed.

32
33 Margo Chapman, who lives at the bottom of Riverwalk Way, also commented on the
34 dangers of the road.

35
36 Greg Hunter, a resident at the north end of Reeves Lane, commented that all parties were
37 in agreement when the ordinance was adopted and it seems premature to get rid of it
38 before a gate is even installed. He stated that the citizens have not yet had the opportunity
39 to use the ordinance.

40
41 There were no further public comments. Chair Russell closed the public hearing.

42
43 Commissioner Hansen asked staff what the consequences would be of the ordinance
44 being repealed at this time. Mr. Carter responded that the road would be forced to be open
45 and a connection required.

46

1 In response to a question from Commissioner Webb, Mr. Carter explained why this item
2 was before the Commission now. As development began occurring on the South Jordan
3 side, the City was contacted by residents asking about the gate that was to be installed.
4 At the time that the ordinance was adopted, things went silent for a time and the installation
5 of a gate wasn't immediately approved. When the matter came back before the City
6 Council a few months ago it was determined that the budget did not allow for the gate
7 although it was suggested that the funds could be raised by other means. Mr. Carter stated
8 that funding should not be the basis for the Commission's decision.

9
10 There was a discussion regarding emergency access with the possible gate installation,
11 and the cooperation of the Fire and Police Departments.

12
13 **Commissioner Hansen moved that the Planning Commission recommend the City**
14 **Council NOT REPEAL Riverton City Ordinance Section 17.20.010(3), "Security Gates**
15 **in Lieu of Two Connections to Public Streets within a Subdivision". Commissioner**
16 **Webb seconded the motion. Vote on motion: Commissioner Hansen – Aye;**
17 **Commissioner Webb – Aye; Commissioner Bryant – Nay; Commissioner;** Chair
18 **Russell – Aye; and Commissioner Endrizzi – Aye. The motion passed 4-to-1.**
19



Issue Paper

Item No. 2.2

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: <u>REZONE</u> , REZONING 8.8 ACRES LOCATED AT APPROXIMATELY THE NORTH WEST CORNER OF 1300 WEST 12600 SOUTH TO RM-14, CURRENTLY R-4 AND C-G ZONES, KEYSTONE CONSTRUCTION, APPLICANT	Meeting Date: August 18, 2015	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>Keystone Construction has submitted this application requesting that eight properties totaling 8.8 acres located at the north west corner of the intersection of 12600 South 1300 West be rezoned from its existing zoning of R-4 (Residential 10,000 square foot lots) and C-G (Commercial Gateway) to a new zoning designation of RM-14 (Residential multi-family 14 dwellings per acre). The property currently splits the R-4 and C-G zoning down the middle. Current uses of the properties are residential and limited agricultural. Properties to the north and west are zoned R-4 with a small parcel zoned C-PO (Commercial Professional Office) at the south west corner. Properties on the south side of 12600 South are zoned C-G. To the east property is zoned both R-4 and C-G.</p>		
Recommendation: <p>On July 9, 2015, the Planning Commission voted to recommend DENIAL of this rezone application.</p>		
Planning Commission Recommended Motion: <p>"I move the City Council DENY <u>Ordinance No. 15-11</u> - requesting a rezone of 8.8 acres located at approximately north west corner of 1300 West 12600 South from R-4 and C-G to RM-14 and amend the Riverton City General Plan from Community Commercial to High Density Residential."</p>		

RIVERTON CITY, UTAH
ORDINANCE NO. 15-11

AN ORDINANCE REZONING 8.8 ACRES LOCATED AT APPROXIMATELY THE NORTH WEST CORNER OF 1300 WEST 12600 SOUTH FROM R-4 AND C-G TO RM-14, (RESIDENTIAL MULTI-FAMILY WITH 14 UNITS PER ACRE MAXIMUM DENSITY), KEYSTONE CONSTRUCTION, APPLICANT

WHEREAS, the Riverton City Planning Commission has received public input and made a recommendation regarding the above listed zoning amendment; and,

WHEREAS, the City Council has held a public hearing to consider said zoning amendment; and,

WHEREAS, the Riverton City Council has determined that it is in the best interest of the public to amend the Riverton City Zoning Map by rezoning approximately 8.8 acres located at 12600 South 1300 West from Commercial Gateway and R-4 to RM-14 (Residential Multi-Family, 14 Units per Acre Maximum Density).

NOW THEREFORE, BE IT ORDAINED by the City Council of Riverton City, Utah as follows:

Section 1. The Riverton City Zoning Map shall be, and hereby is, amended to reflect the following changes as shown in Exhibit "A" attached hereto.

Section 2. This ordinance shall take effect upon passage.

PASSED AND APPROVED by the City Council of Riverton, Utah, on this 18th day of August, 2015 by the following vote:

	YES	NO	ABSTAIN	ABSENT
Council Member Brent Johnson	_____	_____	_____	_____
Council Member Trent Staggs	_____	_____	_____	_____
Council Member Sheldon Stewart	_____	_____	_____	_____
Council Member Tricia Tingey	_____	_____	_____	_____
Council Member Paul Wayman	_____	_____	_____	_____

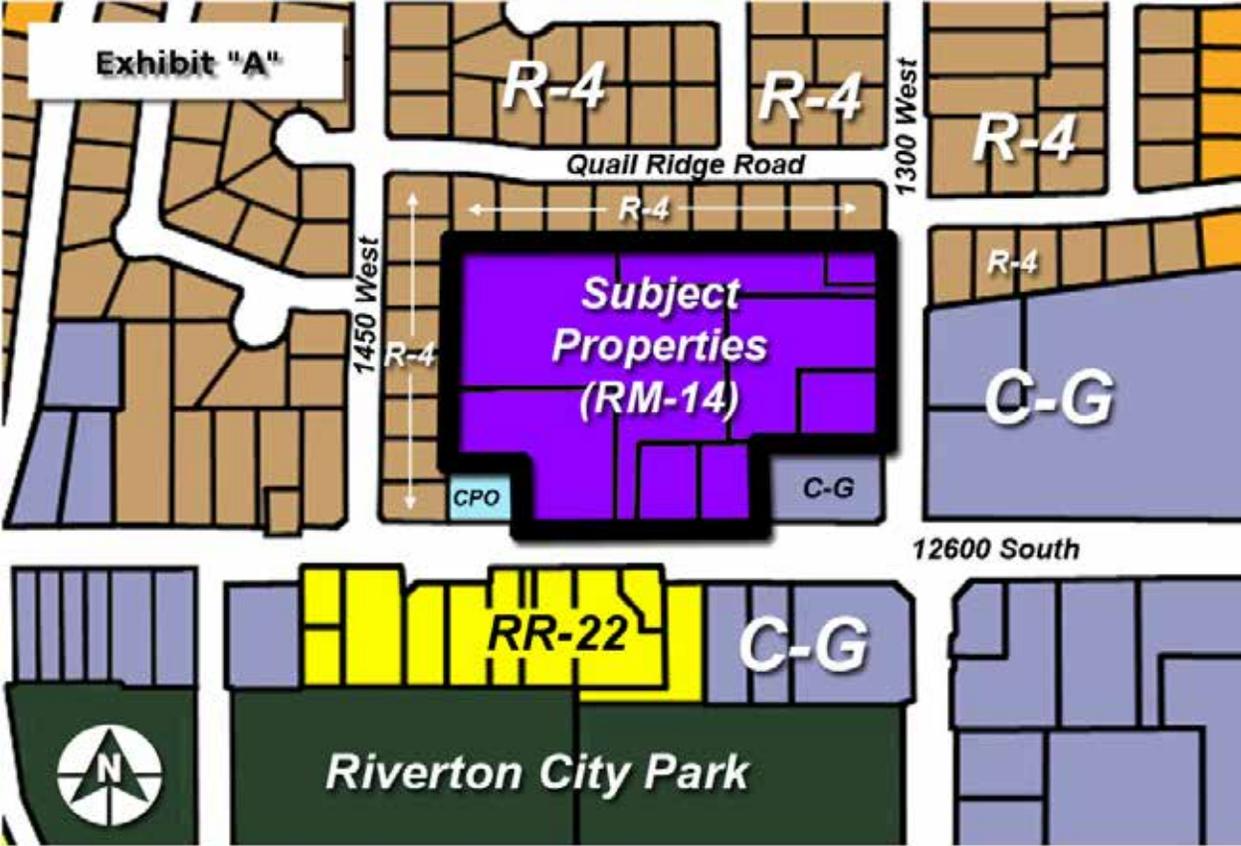
RIVERTON CITY

[SEAL]

ATTEST:

Bill Applegarth, Mayor

Virginia Loader, MMC
City Recorder



**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Planning Department

DATE: August 18, 2015

SUBJECT: REZONE, REZONING 8.8 ACRES LOCATED AT APPROXIMATELY THE NORTH WEST CORNER OF 1300 WEST 12600 SOUTH TO RM-14, CURRENTLY R-4 AND C-G ZONES, KEYSTONE CONSTRUCTION, APPLICANT

PL NO.: 15-4004 – PARK VIEW REZONE

On July 9, 2015, the Planning Commission voted to recommend DENIAL of this rezone application. Minutes from that meeting are included below. The Planning Commission recommended the following motion:

I move the City Council DENY Ordinance #15-11, requesting a rezone of 8.8 acres located at approximately north west corner of 1300 West 12600 South from R-4 and C-G to to RM-14 and amend the Riverton City General plan from Community Commercial to High Density Residential.

BACKGROUND

Keystone Construction has submitted this application requesting that eight properties totaling 8.8 acres located at the north west corner of the intersection of 12600 South 1300 West be rezoned from its existing zoning of R-4 (Residential 10,000 square foot lots) and C-G (Commercial Gateway) to a new zoning designation of RM-14 (Residential multi-family 14 dwellings per acre). The property currently splits the R-4 and C-G zoning down the middle. Current uses of the properties are residential and limited agricultural. Properties to the north and west are zoned R-4 with a small parcel zoned C-PO (Commercial Professional Office) at the south west corner. Properties on the south side of 12600 South are zoned C-G. To the east property is zoned both R-4 and C-G.

The property has been master planned for Community Commercial under Riverton City's General Plan for many years. The applicant is requesting that the property be rezoned to RM-14 in order to make way for a multi-family residential townhome development. A rezone to RM-14 would allow for construction of approximately 123 units within the subject parcel. However, this is a gross calculation based only upon lot size and density requirements. Building setbacks, roadways, open space and other issues have not been calculated and may reduce the overall number of units on the site.

One of the primary concerns with development in this area is traffic generation and management. The applicant will present traffic study information to the City Council as part of their comments.

If a zoning amendment is ratified the ordinance does have buffering requirements when non-compatible zones such as single-family against multi-family occur. Some of those buffering requirements are additional building setbacks, additional landscaping and fencing. However, these buffering requirements are addressed during site plan rather than zoning amendment hearings.

The Planning Commission, in their review of this application, recommended DENIAL of the rezone. Minutes from that meeting are included below.

ATTACHMENTS:

The following items are attached for your review:

1. A copy of the Rezone application.
2. An 8.5" x 11" copy of the Current Zoning Map
3. An 8.5" x 11" copy of the Proposed Zoning Map

PL No. 15-4004
Date 4/20/2015

Application Rezone

A. Applicant's Name Keystone Contruction
Home Address 8679 South Sandy Pkwy
City Sandy State Utah Zip 84070
Telephone # 801-910-9838 Mobile # _____ Fax # _____

B. Property Owner's Name (If Different From Applicant) Raul Chavez
Address _____
City _____ State _____ Zip _____
Telephone # _____ Mobile # _____ Fax # _____

C. Project Information

1. Address 12600 South 1300 ~~1137~~
 2. Sidwell/Tax ID# (See Title Report) _____ Total Acreage of the Site 8.8
 3. Current Zoning of the Proposed Site Community Commercial
Zoning of Adjacent Parcels North R-4 South C-N East Mixed Use West R-4
 4. Requested Zoning High Density 14 Units/Acre
 5. Riverton City General Plan Designation Community Commercial
 6. Description of the Proposed Zone/Use for the Property Multi-Family Dwellings
- _____

This application is for a request for change of zoning only. Any concept plans, drawings, or other indication of proposed development are included for reference only and are NOT approved as part of this process. A checklist outlining required materials and fees is included below.



Applicant's Signature

4/8/15

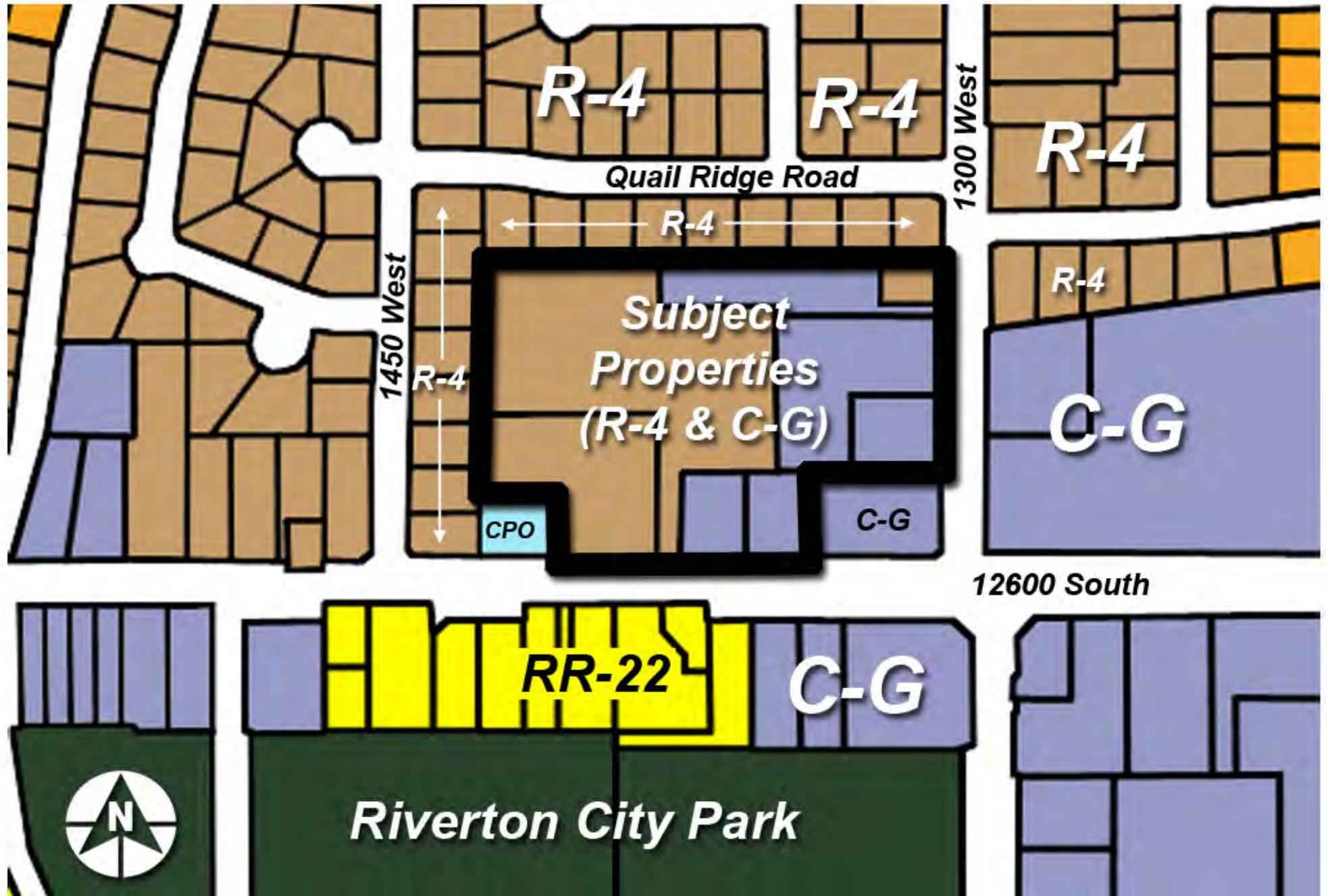
Date

PARK VIEW REZONE



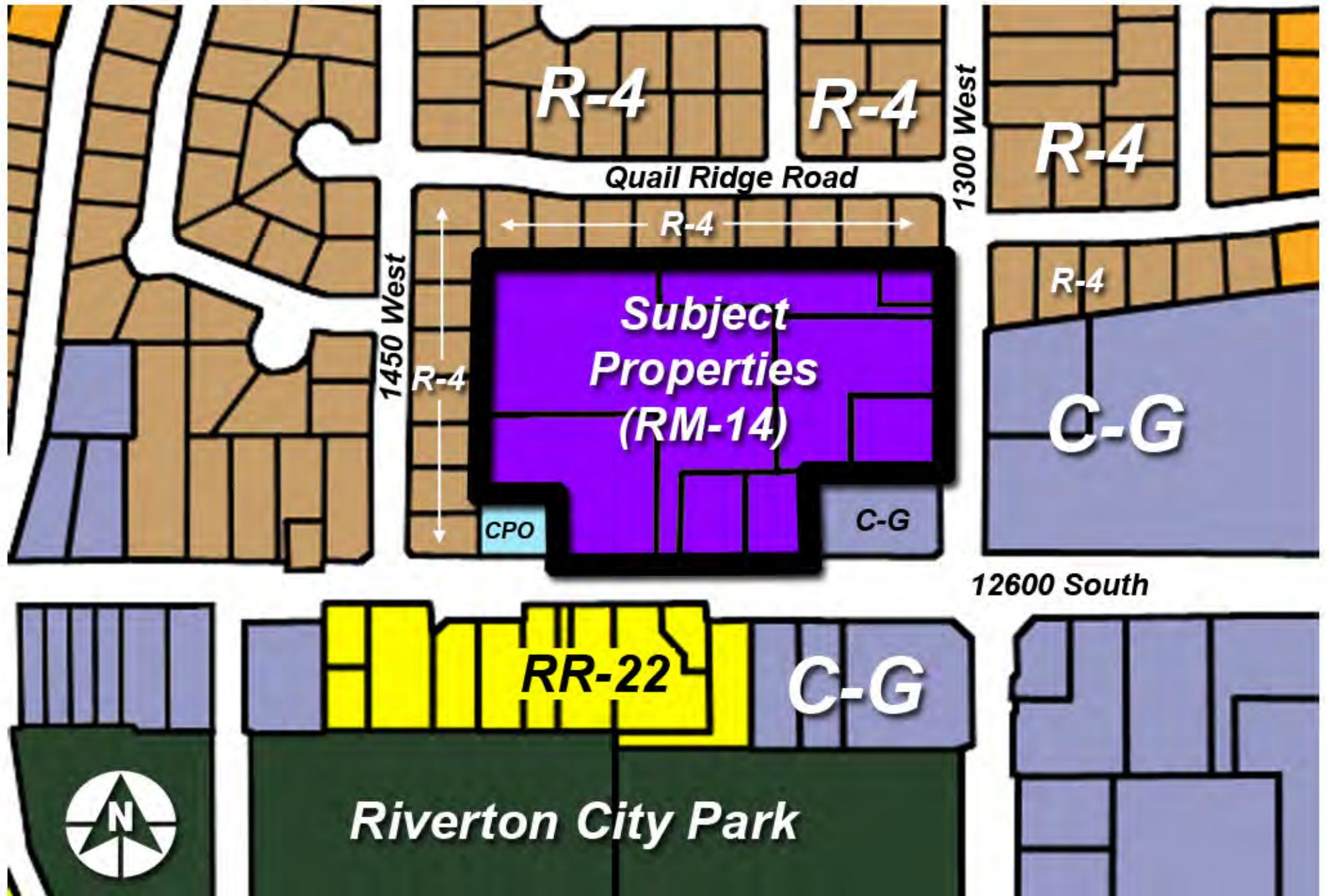
AERIAL VIEW

PARK VIEW REZONE



CURRENT ZONING

PARK VIEW REZONE



PROPOSED ZONING

Minutes

1 **Commissioner Endrizzi seconded the motion. Vote on motion: Commissioner**
2 **Hansen – Aye; Commissioner Hartley – Nay; Commissioner Bryant – Aye;**
3 **Commissioner Kochevar – Aye; Chair Russell – Aye; and Commissioner Endrizzi –**
4 **Aye. The motion passed 5-to-1.**
5

6 **B. REZONE, REZONING 8.8 ACRES LOCATED AT APPROXIMATELY THE**
7 **NORTHWEST CORNER OF 1300 WEST 12600 SOUTH FROM R-4 AND C-**
8 **G TO RM-14, KEYSTONE CONSTRUCTION, APPLICANT.**
9

10 City Planner, Andrew Aagard, presented the staff report and stated that this was the
11 second time the Planning Commission has addressed this particular issue. He gave a brief
12 background of the previous application, which was denied because the applicant had not
13 obtained the necessary ownership affidavits from the property owners of the subject
14 properties. Since then, the applicant had obtain those affidavits and submitted another
15 application.
16

17 The applicant was proposing a rezone of the subject property from R-4 (Single-Family
18 Residential, 10,000 square foot lots) and C-G (Commercial Gateway) to RM-14. The
19 subject property has been designated as Community Commercial in the Riverton City
20 General Plan, but staff had not received a single application to rezone or amend the
21 properties to any kind of commercial zoning. Mr. Aagard commented that the possibility of
22 the entire area being commercially developed was slim. He explained that the applicant's
23 intention with the rezone request was to make way for a multi-family residential townhome
24 development. Mr. Aagard added that the RM-1 zone does not allow for apartment
25 buildings, only townhome type units. The applicant has requested time to present their
26 conceptual designs to the Planning Commission, which was being done at the discretion
27 of the applicant only, and not staff.
28

29 The applicant, Matt Lapire, remarked that they listened to feedback from the neighbors and
30 the comments made by the Commission at the previous meeting and made adjustments
31 to their plans. They intend to create a walkable community, where residents can utilize the
32 City's amenities in the area, as well as some provided by the community. Mr. Lapire
33 recognized the concerns of the adjacent neighbors and commented that they have chosen
34 to have a lower density along those property lines with higher density toward 1300 West.
35 The average density of the project would be 12.2 units per acre. Mr. Lapire presented
36 slides with conceptual drawings and site plans and briefly described the four different
37 product types they intent to build. In conclusion, he stated that they conducted a traffic
38 study and the Traffic Engineer was present to answer questions.
39

40 Daniel Join identified himself as a Traffic Engineer from House Engineering, and stated
41 that he conducted a traffic study in the area and determined the three intersections that
42 would be most affected by the development. He concluded that all of the intersections
43 would still perform at an acceptable level with the addition of the traffic from the proposed
44 project. Mr. Join confirmed that there would be less than a 5% increase in traffic flow,
45 which is minimal. He also confirmed that they spoke with UDOT regarding their
46 requirements.

1
2 Chair Russell opened the public hearing.

3
4 Vern Provost, a local business owner, expressed concern for the increased traffic. He also
5 stated that it would be difficult to have two access points for the project in this area.

6
7 Daniel Strange stated that he lives just north of the potential development and expressed
8 concern regarding traffic. He also commented that the surrounding properties were all
9 approximately one-quarter acre in size, and this development could decrease their property
10 values.

11
12 Robert Whitlock, a resident to the north of the subject property, asked the Planning
13 Commission to consider a lower density for this area. He also addressed concerns
14 regarding traffic and tree maintenance.

15
16 Greg Hill liked the general low density of Riverton City, and feels that this would be
17 inappropriate in this location because it does not accurately represent the City. Mr. Hill
18 was also concerned that the plans and sketches presented by the applicant may not be
19 what is actually developed.

20
21 Celeste Whitlock addressed her concern regarding tree removal and maintenance and
22 requested that the developer work with the residents to have those removed.

23
24 Sharon Ready expressed concern regarding the traffic impact and stated that the
25 intersections are already dangerous.

26
27 Jeff Eastman voiced his concerns with the high density and the increase in traffic.

28
29 There were no further public comments. Chair Russell closed the public hearing.

30
31 Chair Russell clarified that if the rezone were approved, the applicant would have to return
32 to the Planning Commission with their site plan and other details of the development for
33 approval. He also stated that the Planning Commission has the option to request a lower
34 density.

35
36 There was discussion among the Commission and staff regarding the possibility of a lower
37 density, such as RM-6 or RM-8. Commissioner Bryant commented that he would be in
38 favor of this type of development, but at a later time. He stated that there are already three
39 other high density projects in the downtown area being constructed, and he would like to
40 see what impact they have on the City before approving another.

41
42 **Commissioner Hartley moved that the Planning Commission recommend DENIAL of**
43 **the rezone application, rezoning 8.8 acres located at approximately the northwest**
44 **corner of 1300 West 12600 South from its current zoning of R-4 and C-G to RM-14**
45 **and amend the Riverton City General Plan from Community Commercial to High**
46 **Density Residential, with the recommendation that the applicant consider a lower**

1 **density. Commissioner Kochevar seconded the motion. Vote on motion:**
2 **Commissioner Hansen – Nay; Commissioner Hartley – Aye; Commissioner Bryant –**
3 **Aye; Commissioner Kochevar – Aye; Chair Russell – Aye; and Commissioner**
4 **Endrizzi – Aye. The motion passed 5-to-1.**

5
6 **C. SUBDIVISION, THE CREEK AT LOVERS LANE, THREE LOTS, 13270**
7 **SOUTH LOVERS LANE, RR-22 ZONE, RIDGE AT LOVERS LANE LLC,**
8 **APPLICANT.**

9
10 Mr. Aagard presented the staff report regarding a three-lot subdivision at 13270 South
11 Lovers Lane. The property is currently zoned RR-22, with the surrounding areas being
12 similarly zoned. The applicant is proposing to subdivide one parcel totaling 4.6 acres into
13 three smaller lots. Mr. Aagard explained that Lots 1 and 2 would be to the south, and
14 Parcel A to the north would be preserved for future subdividing.

15
16 Mr. Aagard added that there have been challenges in preparing the property for
17 development. The challenges included the slope of the property, improvement
18 requirements to Lovers Lane, and the wetlands located within the property itself. To
19 combat those challenges, the applicant was required to submit grading plans showing
20 where a home could be constructed on each lot, and add an additional seven to nine feet
21 of asphalt on the western edge of the property to widen Lovers Lane to 33 feet. Mr. Aagard
22 added that curb, gutter, and sidewalk would not be required to be consistent with the rest
23 of Lovers Lane. The applicant was also required to approach the U.S. Army Corps of
24 Engineers regarding the wetlands, and comply their requirements. Staff recommended
25 approval with the conditions outlined in the staff report.

26
27 Chair Russell asked staff if they had obtained everything they need from the applicant to
28 this point. Mr. Aagard confirmed that they had not yet received a copy of the application
29 submitted to the Army Corps.

30
31 Chair Russell opened the public hearing.

32
33 The applicant, Dan Lighten, was present representing Ridge at Lovers Lane, LLC. He
34 clarified the wetland and flood plain issues and their approval from the Army Corps. He
35 explained that they previously developed a subdivision further north on Lovers Lane and
36 received many compliments on it.

37
38 There were no further public comments. Chair Russell closed the public hearing.

39
40 **Commissioner Kochevar moved that the Planning Commission recommend**
41 **APPROVAL of Application #14-1001, The Creek at Lovers Lane Subdivision, located**
42 **at 13270 South Lovers Lane, subject to the following conditions:**

- 43
44 **1. Storm drainage systems and installation shall comply with Engineering**
45 **Department requirements and standards.**
46



Issue Paper

Item No. 2.3

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: ORDINANCE AMENDMENT, PROPOSED AMENDMENTS TO RIVERTON CITY CODE SECTION 18.10.070, 'REAL PROPERTY TO BE KEPT CLEAN', AMENDMENTS PROPOSED BY RIVERTON CITY	Meeting Date: August 18, 2015	
	Fiscal Impact: -	
	Funding Source: N/A	
Background: The Riverton City Council has discussed in prior meetings concerns with the current language regarding landscape and property maintenance requirements for Riverton City. Based on that discussion, staff has prepared an amendment to Section 18.10.070, Real Property To Be Kept Clean, expanding the requirements for landscaping and property maintenance. It is language that is utilized in a similar section of one of Riverton City's neighboring cities. The amendment is outlined in the attached Exhibit "A".		
Recommendation: This ordinance amendment did not require review or recommendation from the Planning Commission.		
Recommended Motion: "I move the City Council adopt <u>Ordinance No. 15-12</u> , amending Riverton City Code Section 18.10.070, Real property to be kept clean, as described in Exhibit "A".		

RIVERTON CITY, UTAH
ORDINANCE NO. 15-12

AN ORDINANCE AMENDING RIVERTON CITY CODE SECTION 18.10.070, 'REAL PROPERTY TO BE KEPT CLEAN', AMENDMENTS PROPOSED BY RIVERTON CITY

WHEREAS, the City Council has held a public hearing to consider said zoning amendment; and,

WHEREAS, the Riverton City Council has determined that it is in the best interest of the public to amend the Riverton City Code Section 18.10.070, Real Property to be Kept Clean, as described in the attached Exhibit "A".

NOW THEREFORE, BE IT ORDAINED by the City Council of Riverton City, Utah as follows:

Section 1. The Riverton City Code, Section 18.10.070 shall be, and hereby is, amended to reflect the changes as shown in Exhibit "A" attached hereto.

Section 2. This ordinance shall take effect upon passage.

PASSED AND APPROVED by the City Council of Riverton, Utah, on this 18th day of August, 2015 by the following vote:

	YES	NO	ABSTAIN	ABSENT
Council Member Brent Johnson	___	___	___	___
Council Member Trent Staggs	___	___	___	___
Council Member Sheldon Stewart	___	___	___	___
Council Member Tricia Tingey	___	___	___	___
Council Member Paul Wayman	___	___	___	___

RIVERTON CITY

[SEAL]

ATTEST:

Bill Applegarth, Mayor

Virginia Loader, MMC
City Recorder

Exhibit "A"

Chapter 8.10

NUISANCES

Article II. Abatement of Weeds and Deleterious Objects

8.10.070 Real property to be kept clean.

~~It shall be unlawful for any person owning or occupying real property to allow weeds to grow or exist on such property in violation of this chapter, or not to remove from any such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from the ordinance enforcement officer as hereinafter provided.~~

(1) Individuals, whether as owner, lessee, tenant, occupant or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials, except as indicated below. Landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance at all times. Landscaping shall be mowed, groomed, trimmed, pruned and watered according to waterwise conservation guidelines to maintain healthy growing conditions and not detract from the appearance of the immediate neighborhood. Landscaping shall be kept virtually free of insects and disease, and shall be kept free from weeds and other volunteer plants. Irrigation systems shall be maintained so as to eliminate water loss due to damaged, missing or improperly operating sprinkler system components. All unhealthy or dead plant material shall be replaced within six (6) months, or the next planting period (spring or fall), whichever comes first; while other defective landscape features shall be removed, replaced or repaired within three (3) months.

(2) **Where** due to the size, location, proximity to buildings, accessibility or other circumstances regarding certain real property an inspector determines that weeds on such property, which would otherwise constitute a violation of RCC 8.10.090, do not create a serious nuisance or fire hazard, or that requiring the removal of such weeds is deemed impractical, an inspector may:

(a) Issue an order permitting the owner to create fire breaks a minimum of 15 feet in width at locations on the property to be determined by the inspector; or

(b) Exempt the property from the requirements of this title. [Ord. 12-22 § 1 (Exh. A). Code 1997 § 10-3-21.]

8.10.080 Weeds defined.

Weeds shall include any vegetation growing in an uncultivated state, not used for food, fiber or ornamentation, or any vegetation commonly referred to as a weed, or which shall have been designated a noxious weed by the Utah Commissioner of Agriculture. [Ord. 12-22 § 1 (Exh. A). Code 1997 § 10-3-22.]

8.10.090 Standards of weed control.

It is hereby declared that the weeds stated in RCC 8.10.080 constitute a nuisance when they:

(1) Create a fire hazard, a source of contamination or pollution of the water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to their surroundings.

(2) Have grown to a height greater than six inches above ground. [Ord. 12-22 § 1 (Exh. A); amended during 2011 recodification. Code 1997 § 10-3-23.]



Issue Paper

Item No. 2.4

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: ORDINANCE AMENDMENT, PROPOSED AMENDMENTS TO RIVERTON CITY CODE SECTION 6.05, ANIMALS, ESTABLISHING A 'HOBBY LICENSE', AMENDMENTS PROPOSED BY RIVERTON CITY	Meeting Date: August 18, 2015	
	Fiscal Impact: -	
	Funding Source: N/A	
Background: <p>Riverton City, prior to establishing a contract for animal control services with Salt Lake County, had in its ordinance what is called a 'hobby license' for raising household pets. A hobby license lets breeders keep a certain number of pets above the maximum allowed household pets, under certain requirements. When Riverton City contracted with Salt Lake County for animal control services, several sections of ordinance, including the section regarding hobby licenses, was repealed, and Riverton City no longer issues or allows hobby licenses. The question was brought to staff as to whether the ordinance could be adopted back into City code to once again allow hobby licenses. This item was noticed for a public hearing, and staff recommends hearing any public comment, providing feedback to staff regarding reinstating the hobby license program, and tabling the ordinance to the September 1st meeting. Staff will then finalize the ordinance language with all affected departments and present it for approval at that meeting.</p>		
Recommendation: <p>This ordinance amendment did not require review or recommendation from the Planning Commission.</p>		
Proposed Motion: <p>"I move the City Council TABLE <u>Ordinance No. 15-14</u> - amending Riverton City Code Section 6.05 establishing a "Hobby License" to the September 1, 2015, City Council Meeting."</p>		

42-1. Purpose. It is the purpose of this chapter to create in Riverton City a hobby license which shall allow the licensee to maintain five dogs upon the licensed premises. This chapter and the requirements contained herein are predicated upon the belief that dog hobbyists can best regulate themselves and the terms and conditions of this chapter are designed to reflect that belief.

42-2. Hobby License Review Board. There is hereby created a Hobby License Review Board which shall consist of five members. The five members shall be appointed by the Mayor of Riverton City and shall consist of representatives of the following interests:

42-2-1. A member of Riverton City Animal Control Department.

42-2-2. A member of the Utah Dog Fanciers' Association.

42-2-3. A member of the Salt Lake City/County Board of Health, or employee thereof.

42-2-4. Two interested residents of Riverton City.

In the event that any of the above-referenced organizations is unwilling to appoint a representative to serve on the Hobby License Review Board, or if after reasonable effort, the Mayor is unable to find a qualified and suitable individual in any of the above groups, then the Mayor may appoint a person from one of the other groups to serve on the Board. The Hobby License Review Board shall have such authority and perform such functions as hereinafter set forth.

42-3. Hobby License Requirements. A hobby license shall allow the licensee to keep no more than five (5) dogs over one year of age in a residential area. Such licenses may keep, intact, one litter of pups up to 6 months of age and may thereafter keep one animal from the original litter up to age of 12 months. At no time shall the licensee keep more than five dogs over one year of age. Nevertheless, the following requirements shall be met by the licensee:

42-3-1. Statement of Hobby Interest. The applicant for a hobby license shall complete a form provided by the City which form shall require the notarized signature of the applicant and shall indicate that the applicant desires to maintain the said dogs for hobby purposes. Hobby purposes shall include, but not be limited to, the showing of dogs, training of dogs for field trials, the training of dogs for obedience, tracking and other such purposes, and the maintaining of dogs for recreation and supporting purposes.

42-3-2. Outdoor Requirements.

42-3-2-1. The applicant shall provide dog runs with shelter to protect the animals from foul weather, winds and excessive exposure to natural elements. Said runs shall also be designed to prevent the escape of any dog contained therein.

42-3-2-2. All fencing shall be of sufficient strength to prevent the escape of or injury to any dog housed within such fencing.

42-3-2-3. All fencing shall be maintained so that no part of such fence shall be broken, damaged or in any way create the possibility of injury to the enclosed animal or to allow the escape thereof.

42-3-2-4. In addition to providing the fenced animal runs, the applicant shall be required to erect a substantial fence around that portion of the yard in which the animals are maintained.

42-3-2-5. The animal runs located in the yard shall be positioned so as not to be a nuisance to any neighbor and shall be at least forty (40) feet from the nearest portion of any building, not owned by the licensee, which is used as a dwelling.

42-3-3. Size of Dog Runs. The dog runs required by this ordinance shall have as a minimum size the following:

42-3-3-1. The dog run shall be no less than 32 square feet in size when the dog restrained therein is over 50 lbs. in weight.

42-3-3-2. The dog run shall be no less than 16 square feet when the dog restrained therein is less than 50 lbs in weight.

42-3-3-3. If the applicant desires to construct dog runs which shall be "communal" in nature, said runs shall be proportionally larger for each additional dog therein.

42-3-4. **Bedding.** The bedding contained in the dog runs shall meet the following requirements:

42-3-4-1. The bedding shall be of a material which may be either disposed of by sanitary means or removed and cleaned.

42-3-4-2. Newspapers or other similar material used to absorb moisture shall be removed and replaced daily and areas beneath them cleaned and disinfected daily. All newspapers or other material removed shall be disposed of in a manner acceptable to the Salt Lake City/County Health Department.

42-3-4-3. The floors of a dog run, if constructed of concrete, shall provide for a resting board or some type of bedding for the animals restrained therein.

42-3-4-4. If any bedding used is of a type that must be cleaned, the material shall be cleaned as often as necessary to maintain a healthy and sanitary condition.

42-3-5. **Cleaning of Dog Runs.** All dog runs shall be cleaned and maintained in the following manner:

42-3-5-1. All runs shall be cleaned and disinfected as needed each day to prevent fecal accumulation.

42-3-5-2. Cleaning agents or chemicals that may be harmful to animal tissue shall not be used where there is a possibility of contact or ingestion of such agents or chemicals by an animal.

42-3-5-3. Fecal material shall be properly handled and disposed of in accordance with applicable regulations of the Salt Lake City/County Health Department.

42-3-5-4. When necessary, or under the direction of the Salt Lake City/County Health Department, the licensee shall use such chemicals and materials as may be necessary to control insects or other pests.

42-3-5-5. Accumulations of waste material or garbage in and around any dog run shall be cleaned up and properly disposed of at least daily. The dog run itself shall be free of litter and the surrounding area shall be neat, clean and free of litter, trash or garbage.

42-3-6. **Feed.** The feeding of the dogs shall be governed by the following requirements:

42-3-6-1. The feed given to the animal shall be stored in a manner so as to prevent contamination from any source.

42-3-6-2. Fresh water shall be available to the animal at all times.

42-3-7. **Noise Control.** The licensee shall take such steps as may be necessary to assure that noise generated by the dogs owned and kept by the licensee shall not exceed those noise levels or limits as may be established by Riverton City noise control ordinance. The licensee shall be under the duty to enclose all dogs in a shelter between the hours of 9:00 p.m. and 7:00 a.m.

42-3-8. **Zoning Regulations.** A hobby license shall not be granted to any applicant unless the application shall conform to all Riverton City Zoning regulations.

42-4. Fees and Required Vaccination.

42-4-1. The license fee for a hobby license shall be \$50.00 per annum.

42-4-2. The licensee shall be required to provide proof, upon application for the hobby license and, if so requested, the Hobby License Review Board, of a rabies vaccination for each dog kept and maintained under authority of any hobby license.

42-5. Renewal of License and Inspections.

42-5-1. Any license issued pursuant to the provisions of this chapter shall automatically expire on December 31st immediately following the date of issue. Within two (2) months prior to the expiration of the license, the licensee shall apply for renewal of the license and pay the required fee. Any application made after December 31st, except an application for a new license, shall be accompanied by a late application fee of \$10.00 in addition to the regular license fee.

42-5-2. The Hobby License Review Board shall inspect each licensed premise at least twice each year.

42-6. **Exemptions.** Research facilities wherein bona fide medical or related research is being conducted, humane shelters, and other animal establishments operated by State or local governments or which are licensed by Federal law are excluded from the licensing requirements of this chapter.

42-7. **Complaints and Revocation of License.** All complaints received with regard to persons keeping and maintaining dogs under the provisions of this chapter shall be resolved as follows:

42-7-1. The initial complaint shall be investigated by the Hobby License Review Board.

42-7-2. Upon completion of such investigation of the initial complaint, the Hobby License Review Board shall submit to the licensee recommendations for removing the cause of the original complaint. The Board shall include a time period in which such recommendations must be implemented.

42-7-3. The Hobby License Review Board shall then reinspect the premises to determine the causes of the complaint have been removed and if the recommendations of the Board have been followed.

42-7-4. Failure by the licensee to either remove the causes for the original complaint or to comply with the recommendations of the Hobby License Review Board shall be considered grounds for revocation of the license issued under authority of this chapter.

42-7-5. In the event that the causes of the complaint are not removed within the time specified by the Board, a hearing for the revocation of the licenses granted hereunder shall be held before the Mayor and/or such assistants as the Mayor shall appoint. The hearing procedure shall provide for the following:

42-7-5-1. A written notice served upon the licensee setting forth the causes upon which the revocation of the licenses is based.

42-7-5-2. The opportunity for the licensee to appear at an open hearing and present evidence, appear in person or be represented by counsel and examine witnesses.

42-7-5-3. Upon the presentation of the evidence by the licensee and the City, the Mayor and/or such assistants as appointed for him by this purpose shall render a final decision as to the City's recommendation that the license be revoked.

42-8. **Penalty.** Any violation of the provisions of this ordinance shall be deemed an infraction.

PART 13-3-43. TAG AND COLLAR. Upon payment of the license fee, the Recorder shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every dog owner, except those operating a kennel, shall provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the Recorder upon presentation of a receipt showing the payment of the license fee for the current year and the payment of \$ 1.00 for such duplicate. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the City before expiration of the license period. It shall be unlawful to deprive a registered dog of its collar and/or tag.

PART 13-3-44. RUNNING AT LARGE PROHIBITED.

44-1. It shall be unlawful for the owner or keeper of any dog to permit such dog to run at large.



Issue Paper

Item No. 3.1

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: FINAL PLAT APPROVAL, MIDAS CROSSING PHASE 2, 11800 SOUTH 2700 WEST, 30 LOTS, IVORY DEVELOPMENT, LLC. APPLICANT	Meeting Date: August 18, 2015	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>Ivory Development, LLC, has submitted an application for Final Plat approval for the Midas Crossing Phase 2 Subdivision. The application is for 39 lots within the Midas Crossing development, located at approximately 11800 South 2700 West. That development is zoned R-4-SD, with the 'SD' designation requiring a mix of 1/3 and 1/4 acre lots.</p> <p>This is the second phase of development within this subdivision, and is on the south west portion of the overall development area. Staff has reviewed the subdivision and finds it in compliance with the technical requirements of Riverton City's standards and ordinances.</p>		
Recommendation: <p>On July 9, 2015, the Planning Commission voted to recommend APPROVAL of this subdivision application.</p>		
Planning Commission Recommended Motion: <p>"I move the City Council approve the Midas Crossing Phase 2 Final Plat, Application Number PL-15-1003, located at approximately 11800 South 2700 West, with the conditions outlined in the Staff Report."</p>		

**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Development Review Committee

DATE: August 18, 2015

SUBJECT: FINAL PLAT APPROVAL, MIDAS CROSSING PHASE 2, 11800 SOUTH 2700 WEST, 30 LOTS, IVORY DEVELOPMENT, LLC. APPLICANT.

PL NO.: 15-1003 – MIDAS CROSSING PHASE 2 FINAL PLAT

On July 7, 2015, the Planning Commission voted to recommend APPROVAL of this Final Plat application. Minutes from that meeting are included below. The Planning Commission recommended the following motion:

I move City Council APPROVE the Midas Crossing Phase 2 Final Plat, application number PL-15-1003, located at approximately 11800 South 2700 West with the following conditions:

1. This phase of the subdivision comply with the overall requirements of the approved preliminary plat, including the SD designations relating to lot size requirements.
2. Any and all required fencing be installed prior to the issuance of building permits for this phase.
3. Storm drainage systems and accommodation comply with Riverton City standards and ordinances, and with the recommendations of the Riverton City Engineering Division.
4. An interim storm drainage and erosion control plan and an access management plan be approved by the City prior to any construction or grading on the site.
5. The site and structures comply with any and all applicable Riverton City standards and ordinances, including staff review requirements and the International Building and Fire Codes.

BACKGROUND:

Ivory Development, LLC, has submitted an application for Final Plat approval for the Midas Crossing Phase 2 Subdivision. The application is for 39 lots within the Midas Crossing development, located at approximately 11800 South 2700 West. That development is zoned R-4-SD, with the 'SD' designation requiring a mix of 1/3 and 1/4 acre lots.

This is the second phase of development within this subdivision, and is on the south west portion of the overall development area. Staff has reviewed the subdivision and finds it in compliance with the technical requirements of Riverton City's standards and ordinances.

The overall development approval included requirements for solid masonry fencing on all perimeters of the project. Phase 2 includes the required six foot solid masonry fencing for its frontages on 2700 West and 11800 South and follows the same lot size distribution as approved in the preliminary plat. No storm water ponds are included in this phase. There is landscaping

on the exterior of the collector street walls that will be maintained by the community H.O.A.

ATTACHMENTS:

The following items are attached for your review:

1. A copy of the Site Plan application
2. An 8½"x11" copy of the Zoning Map
3. An 8 ½ "x11" copy of the Aerial Views
4. An 11"x17" copy of the Site Plan and Landscape Plans.
5. An 11"x17" copy of the building elevations



PL No. 15-1003

Date 4/6/2015

Application Subdivision

 Preliminary Plat Single Phase ✓ Final Plat

A. Applicant's Name Ivory Development, LLC
 Home Address 978 East Wood Oak Lane
 City Salt Lake City State Utah Zip 84117
 Telephone # 801-747-7000 Mobile # (801) 664-4659
 E-mail Address kenw@ivorydevelopment.com Fax #

B. Primary Contact Person Ken Watson
 Address Same as above
 City State Zip
 Telephone # Mobile # (801) 664-4659
 E-mail Address Fax #

C. Project Information
 1. Subdivision Name Midas Crossing, Phase 2
 2. Subdivision Address 2590 West 11800 So.
 3. Sidwell/Tax ID# Total Acreage of the Site 12.51 Ac.
 4. Current Zoning of the Proposed Site
 Zoning of Adjacent Parcels North South East West
 5. Total acreage of the property Number of lots
 Gross Density Net Density
 6. Type of requested development
 Regular Subdivision SD Zone P.U.D. Overlay

By signing this application, I acknowledge that I have read and understood the application, ordinances, checklists, etc. associated with this application, and that any and all required drawings, plans, and other submittals are included and complete. All drawings and plans, and the proposed development, must comply with the requirements of the Engineering Plan Review Checklist, Riverton City Standards and Specifications, and all applicable Riverton City ordinances and standards.

Ken Watson
 Applicant's Signature

4/6/15
 Date

You will receive a letter following the Planning Commission and City Council meeting providing status of your application

MIDAS CROSSING PHASE 2 FINAL PLAT



AERIAL VIEW

MIDAS CROSSING PHASE 2 FINAL PLAT

South Jordan City

2700 West

11625 South

R-3

R-4

South
Jordan
City

Subject
Property
(R-4)

R-4

11800 South

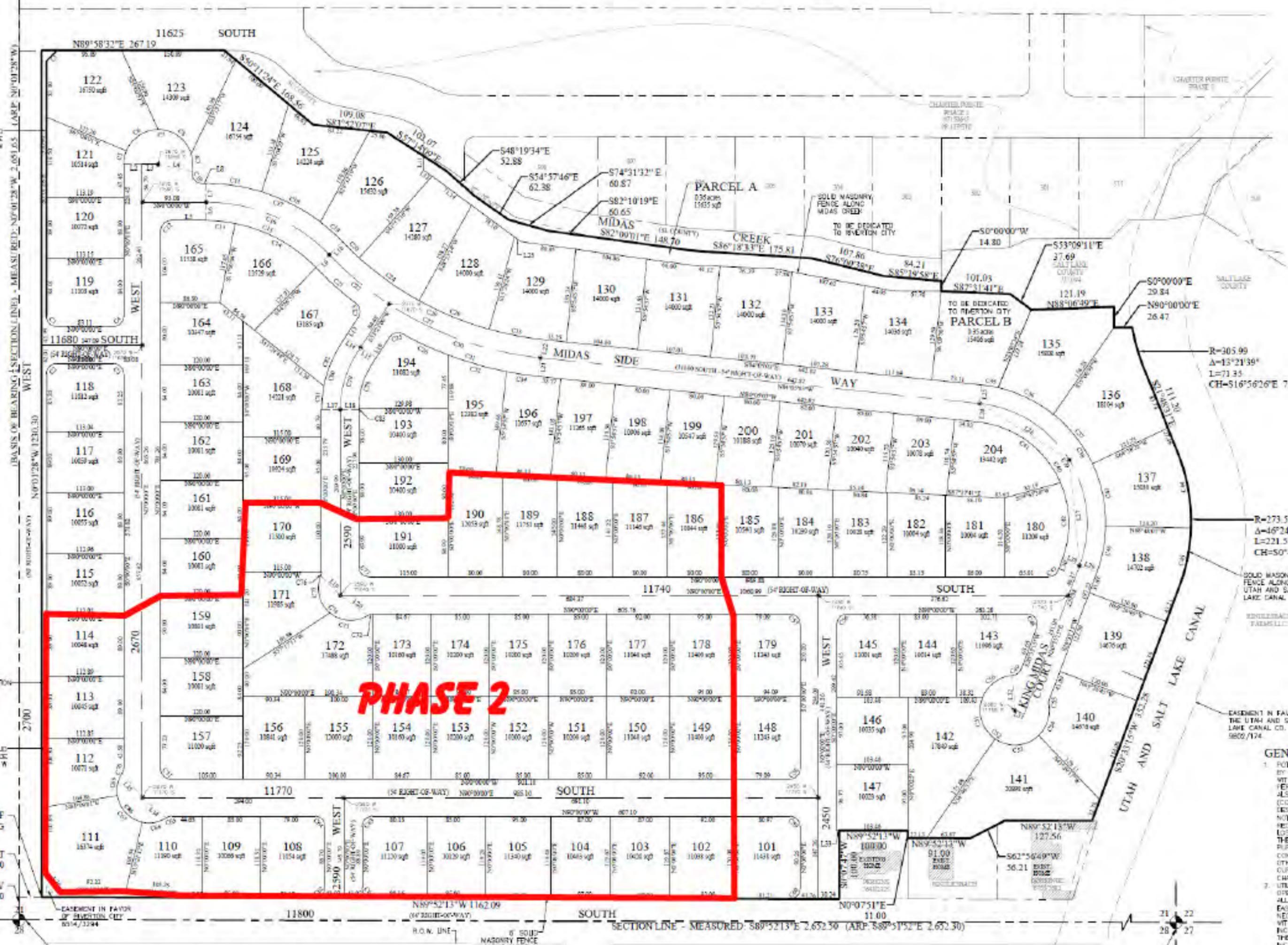
RR-22

Westfold Wy

R-4



ZONING MAP



PHASE 2

ON BASIS OF BEARING & SECTION LINE - MEASURED: N0°01'28"W 2,051.65 (A.R.P. N0°01'28"W)

WEST

2700

28°W
33.00

EASEMENT IN FAVOR OF RIVERTON CITY 8514/3394

SOUTH 1/4 CORNER OF SECTION 21, T3S, R1W, S1B & M
3" FLAT BRASS MONUMENT

SECTION LINE - MEASURED: S89°52'13"E 2,652.30 (A.R.P. S89°51'52"E 2,652.30)

21 22
28 27

SOUTHEAST CORNER OF SECTION 21, T3S, R1W, S1B & M

GENERAL NOTES:
1. POTENTIAL BUYERS OF THIS PROPERTY SHOULD ALSO REVIEW THE RECORDS OF THE PLAT PURCHASER'S COMPLAINT OTHER THAN CURRENT CHANGED UTILITIES OPERATE ALL OTHER EASEMENTS NECESSARY WITHIN AN INCLUDING THE RIGHT INCLUDING THE PLACE LOT OWNED AT THE L...
2. ANY OTHER OF THE

R=305.99
Δ=15°21'39"
L=71.35
CH=516°56'26"E 71.19

R=273.55
Δ=46°24'36"
L=221.58
CH=50°43'37"

EASEMENT IN FAVOR OF THE UTAH AND SALT LAKE CANAL CO. 9800/174

SOLID MASONRY FENCE ALONG UTAH AND SALT LAKE CANAL

ENCLOSURE FARMELLIC

TO BE DEDICATED TO RIVERTON CITY

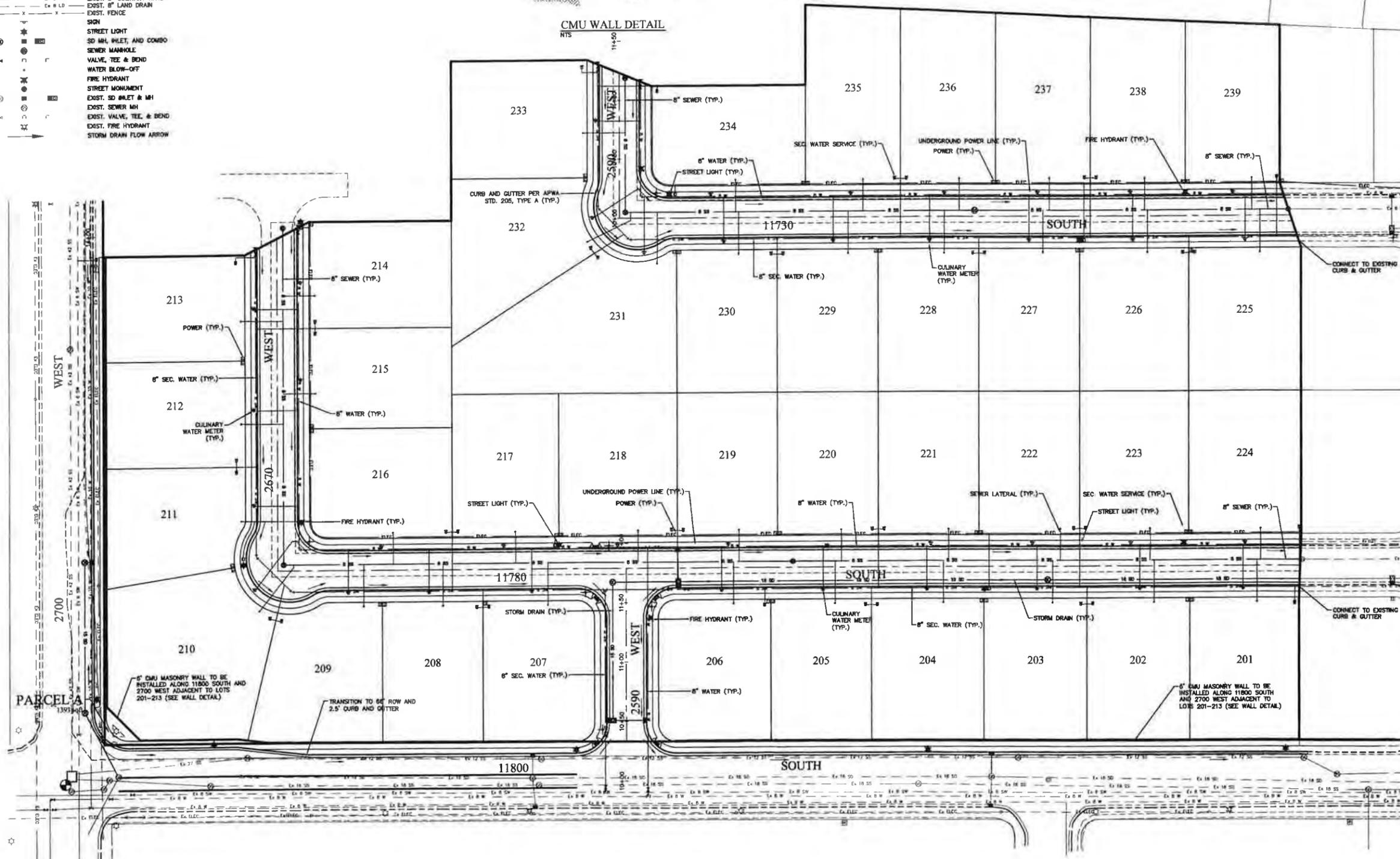
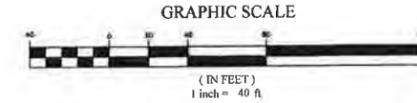
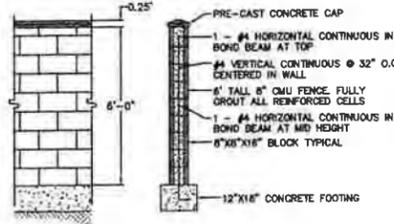
TO BE DEDICATED TO RIVERTON CITY

LEGEND

- BOUNDARY
- ROW
- CENTERLINE
- LOT LINE
- EASEMENT
- 15" STORM DRAIN
- 8" SANITARY SEWER
- 8" CULINARY WATER
- 8" SECONDARY WATER
- CURB AND GUTTER
- SIDEWALK
- FLOWLINE
- PUBLIC UTILITY EASEMENT (P.U.E.)
- UNDERGROUND POWER LINE
- EXIST. 18" STORM DRAIN
- EXIST. 8" SANITARY SEWER
- EXIST. 8" CULINARY WATER
- EXIST. 8" LAND DRAIN
- EXIST. FENCE
- SIGN
- STREET LIGHT
- SD MH, INLET, AND COMBO
- SEWER MANHOLE
- VALVE, TEE & BOND
- WATER BLOW-OFF
- FIRE HYDRANT
- STREET MONUMENT
- EXIST. SD INLET & MH
- EXIST. SEWER MH
- EXIST. VALVE, TEE & BOND
- EXIST. FIRE HYDRANT
- STORM DRAIN FLOW ARROW

NOTES:

1. ALL TRENCHES SHALL BE CONSTRUCTED PER APWA 381 USING GRANULAR BACKFILL BORROW.
2. A RIGHT-OF-WAY ENCROACHMENT PERMIT MUST BE OBTAINED FROM RIVERTON CITY PRIOR TO DOING ANY WORK IN THE RIGHT-OF-WAY. CONTACT AARON ROBERTS AT 801-208-3195.
3. ALL CONSTRUCTION SHALL ADHERE TO APWA STANDARD PLANS AND RIVERTON CITY STANDARDS AND SPECIFICATIONS.
4. ALL SANITARY SEWER CONSTRUCTION SHALL ADHERE TO SOUTH VALLEY SEWER DISTRICT STANDARDS AND SPECIFICATIONS.
5. REFER TO RIVERTON CITY GENERAL NOTES FOR ADDITIONAL REQUIREMENTS AND INFORMATION.



FOCUS
ENGINEERING AND SURVEYING, LLC
502 WEST 8360 SOUTH
SANDY, UTAH 84070 PH: (801) 352-0075
www.focusnh.com



**PHASE 2
MIDAS CROSSING
RIVERTON, UTAH
SITE PLAN**

#	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

SITE PLAN

Scale: 1"=40'
Drawn: JSB
Date: 6/17/2015
Job #: 15-062
Sheet: **C3**



JUN 27 2015

Minutes

- 1
- 2 **2. Utility connections shall be approved by the Riverton City Public Works**
- 3 **Department prior to construction.**
- 4
- 5 **3. The site and structures shall comply with any and all applicable Riverton City**
- 6 **standards and ordinances, including the International Building and Fire**
- 7 **Codes.**
- 8
- 9 **4. The home must be constructed with a minimum of thirty (30) feet setback from**
- 10 **the edge of the future public right-of-way line, extending east from the existing**
- 11 **inside edge of sidewalk in the existing public right-of-way.**
- 12

13 **Commissioner Kochevar seconded the motion. Vote on motion: Commissioner**
14 **Hansen – Aye; Commissioner Hartley – Aye; Commissioner Bryant – Aye;**
15 **Commissioner Kochevar – Aye; Chair Russell – Aye; and Commissioner Endrizzi –**
16 **Aye. The motion passed unanimously.**

17

18 **B. FINAL PLAT SUBDIVISION, MIDAS CROSSING PHASE 2, 11800 SOUTH**
19 **2700 WEST, 30 LOTS, IVORY DEVELOPMENT LLC, APPLICANT.**

20

21 Mr. Aagard presented the staff report regarding final plat approval for Phase 2 of the Midas
22 Crossing development. He presented aerial photographs and indicated that the property
23 is currently zone R-4-SC but the Specific Development requirements did not relate to
24 Phase 2. The preliminary plat includes 39 lots for Phase 2 and each exceeds the minimum
25 lot size requirements, lot widths, and meet all frontage requirements. Mr. Aagard added
26 that a six-foot solid core concrete collector street fence will be required along 2700 West
27 and 11800 South and the park strips along those roads would be landscaped and
28 maintained by the homeowners association. Staff recommended approval.

29

30 **Commissioner Hansen moved the Planning Commission recommend APPROVAL of**
31 **the Midas Crossing Phase 2 Final Plat, Application #PL-15-1003, located at**
32 **approximately 11800 South 2700 West, subject to the following conditions:**

- 33
- 34 **1. This phase of the subdivision shall comply with the overall requirements of**
- 35 **the approved preliminary plat, including the SD designations relating to lot**
- 36 **size requirements.**
- 37
- 38 **2. Any and all required fencing shall be installed prior to the issuance of building**
- 39 **permits for this phase.**
- 40
- 41 **3. Storm drainage systems and accommodations shall comply with Riverton**
- 42 **City standards and ordinances and with the recommendations of the Riverton**
- 43 **City Engineering Division.**
- 44

1 **4. An interim storm drainage and erosion control plan and an access**
2 **management plan shall be approved by the City prior to any construction or**
3 **grading on the site.**

4
5 **5. The site and structures shall comply with any and all applicable Riverton City**
6 **standards and ordinances, including staff review requirements and the**
7 **International Building and Fire Codes.**

8
9 **Commissioner Endrizzi seconded the motion. Vote on motion: Commissioner**
10 **Hansen – Aye; Commissioner Hartley – Aye; Commissioner Bryant – Aye;**
11 **Commissioner Kochevar – Aye; Chair Russell – Aye; and Commissioner Endrizzi –**
12 **Aye. The motion passed unanimously.**

13
14 **III. MINUTES**

15
16 **A. JUNE 11, 2015 PLANNING COMMISSION MEETING.**

17
18 **Commissioner Hansen moved that the Planning Commission APPROVE the meeting**
19 **minutes from June 11, 2015. Commissioner Kochevar seconded the motion. Vote**
20 **on motion: Commissioner Hansen – Aye; Commissioner Hartley – Aye;**
21 **Commissioner Bryant – Aye; Commissioner Kochevar – Aye; Chair Russell – Aye;**
22 **and Commissioner Endrizzi – Aye. The motion passed unanimously.**

23
24 **ADJOURNMENT**

25
26 The meeting adjourned at approximately 8:03 p.m.



Issue Paper

Item No. 3.2

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: SINGLE PHASE SUBDIVISION, THE CREEK AT LOVERS LANE, 3 LOTS, 13270 SOUTH LOVERS LANE, RR-22 ZONE, RIDGE AT LOVER'S LANE LLC, APPLICANT	Meeting Date: August 18, 2015	
	Fiscal Impact: N/A	
	Funding Source: N/A	
<p>Background:</p> <p>The Ridge at Lovers Lane LLC has submitted an application requesting subdivision of land located at 13270 South Lovers Lane. The property is zoned RR-22 (Rural Residential ½ acre lots) and is surrounded by properties zoned RR-22 and R-1 (Residential 1 acre lots). All surrounding land uses are compatible land uses.</p> <p>The applicant is proposing to subdivide one parcel totaling 4.6 acres into 3 smaller lots. Lots one and two will be located on the southern portion of the subdivision and parcel A, the largest parcel will be preserved for future subdividing. Lots 1 and 2 are both larger than 22,000 square feet and exceed the minimum requirements for lot width and frontage as required by the RR-22 zoning district. Each lot will have frontage onto Lover's Lane, a publicly owned and maintained right-of-way.</p>		
<p>Recommendation:</p> <p>On July 9, 2015, the Planning Commission voted to recommend APPROVAL of this subdivision application.</p>		
<p>Planning Commission Recommended Motion:</p> <p>"I move City Council approve Application No. 14-1001, The Creek at Lovers Lane Subdivision, located at 13270 South Lovers Lane, with the conditions outlined in the Staff Report."</p>		

**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Development Review Committee

DATE: August 18, 2015

SUBJECT: SINGLE PHASE SUBDIVISION, THE CREEK AT LOVERS LANE, 3 LOTS, 13270 SOUTH LOVERS LANE, RR-22 ZONE, RIDGE AT LOVER'S LANE LLC, APPLICANT

PL NO.: 14-1001 – The Creek at Lover's Lane Subdivision

On July 7, 2015, the Planning Commission voted to recommend APPROVAL of this Single Phase Subdivision. Minutes from that meeting are included below. The Planning Commission recommended the following motion:

I move City Council APPROVE application #14-1001, The Creek at Lovers Lane Subdivision, located at 13270 South Lovers Lane with the following conditions:

1. Storm drainage systems and installation shall comply with Engineering Department requirements and standards.
2. Any and all irrigation ditches associated with the property be addressed, with disposition of the irrigation systems approved by Riverton City and the proper irrigation company or users.
3. The subdivision shall comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.
4. Provide a copy of the U.S. Army Corps of Engineers permit application.
5. The approved plans shall match the U.S. Army Corps of Engineer' application.
6. [The project shall] comply with all conditions on the U.S. Army Corps of Engineers application.
7. Addressing minor redline comments on the subdivision plat and submitting four sets of properly signed and stamped plat and drawings.

BACKGROUND:

The Ridge at Lovers Lane LLC has submitted an application requesting subdivision of land located at 13270 South Lovers Lane. The property is zoned RR-22 (Rural Residential ½ acre lots) and is surrounded by properties zoned RR-22 and R-1 (Residential 1 acre lots). All surrounding land uses are compatible land uses.

The applicant is proposing to subdivide one parcel totaling 4.6 acres into 3 smaller lots. Lots one and two will be located on the southern portion of the subdivision and parcel A, the largest parcel will be preserved for future subdividing. Lots 1 and 2 are both larger than 22,000 square feet and exceed the minimum requirements for lot width and frontage as required by the RR-22 zoning district. Each lot will have frontage onto Lover's Lane, a publicly owned and maintained right-of-way.

This parcel is a challenging parcel for development and thus has been in the review process since February 24, 2014. Some of the challenges relating to this parcel involve the slope on the property, the improvements that will be required to the Lover's Lane frontages and the wetlands located within the property.

Concerning the slope issues, staff required the applicant to submit grading plans that clearly illustrate where on the new lots the least slope exists that a home could be constructed. Concerning the improvements to Lovers Lane, the applicant will be required to add an additional 7 to 9 feet of asphalt on the western edge of the road to widen the existing surface to 33 feet. Curb, gutter and sidewalk will not be required which is

consistent with other development on Lovers Lane in this area.

Water issues on the parcel are significant. Butterfield Creek drainage runs essentially through the middle of lots 1 and 2 essentially bisecting the properties. Part of the review process required by Riverton City required the applicant to approach the U.S. Army Corps of Engineers, the governing body established to regulate and control development around wetland areas. Riverton City's Engineering division has required the applicant to comply with everything that will be required by the Corps and to submit evidence that this has been or will be done. Conditions 4, 5 and 6 relate to this requirement. Plans submitted by the applicant indicate buildable limit lines that rest outside of the flood plain of Butterfield Creek and existing wetland areas. There is also a requirement that the lowest opening in the proposed structure cannot be lower than 1 foot above the flood plain elevation.

Thus far the applicant has complied with everything requested by staff during the review process. Therefore the subdivision as proposed does meet all of Riverton City's development standards along with the conditions listed in this report, above. Riverton City's planning, water and engineering division have all extensively reviewed the application, and, the Unified Fire Authority has also reviewed the proposed subdivision and has approved the plans as proposed.

ATTACHMENTS:

The following items are attached:

1. Copies of the vicinity, zoning, and aerial maps identifying the property.
2. A copy of the proposed subdivision plat.



PL No. _____

Date _____

Application Subdivision

Preliminary Plat Single Phase Final Plat

A. Applicant's Name Ridgett at Lovers Lane
 Home Address 13503 Lovers Lane
 City Riverton State UT Zip 84065
 Telephone # 801-750-7887 Mobile # 801-750-7887
 E-mail Address rligheten@gmail.com Fax # _____

B. Primary Contact Person Lisa Lighten
 Address 13503 Lovers Lane
 City Riverton UT State UT Zip 84065
 Telephone # _____ Mobile # 801-403-1656
 E-mail Address lligheten@yahoo.com Fax # _____

C. Project Information

- Subdivision Name The Creek at Lovers Lane
- Subdivision Address 13270 Lovers Lane
- Sidwell/Tax ID# _____ Total Acreage of the Site 4.6
- Current Zoning of the Proposed Site RR22
 Zoning of Adjacent Parcels North RR22 South RR22 East RR22 West RR22
- Total acreage of the property 4.6 Number of lots 6
 Gross Density _____ Net Density .8
- Type of requested development _____
 Regular Subdivision _____ SD Zone _____ P.U.D. Overlay _____

By signing this application, I acknowledge that I have read and understood the application, ordinances, checklists, etc. associated with this application, and that any and all required drawings, plans, and other submittals are included and complete. All drawings and plans, and the proposed development, must comply with the requirements of the Engineering Plan Review Checklist, Riverton City Standards and Specifications, and all applicable Riverton City ordinances and standards.

[Signature]
 Applicant's Signature

6/1
 Date

You will receive a letter following the Planning Commission and City Council meeting providing status of your application

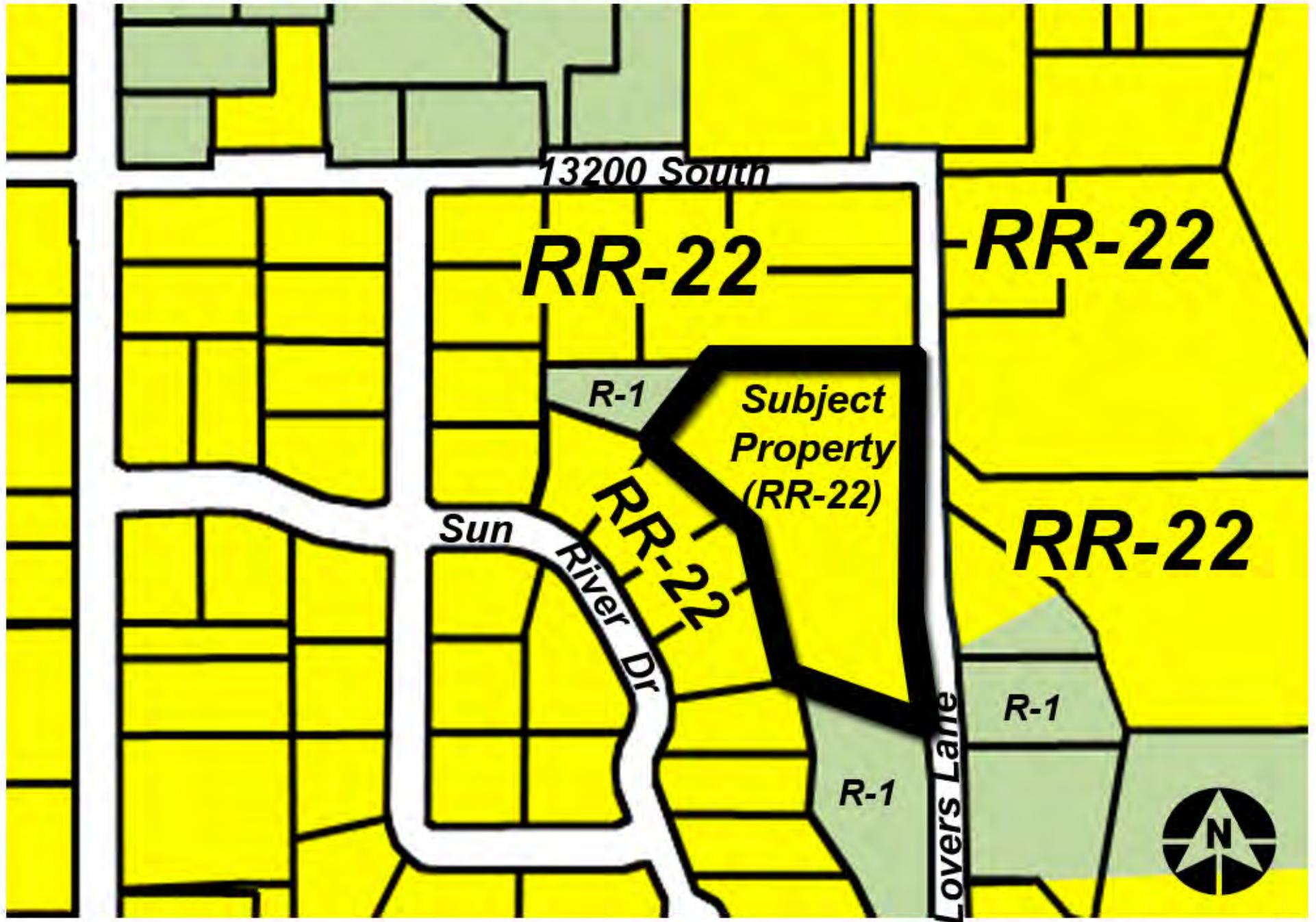
S:\Planning\Applications\Subdivision doc Revised 07/08

THE CREEK AT LOVERS LANE



AERIAL VIEW

THE CREEK AT LOVERS LANE

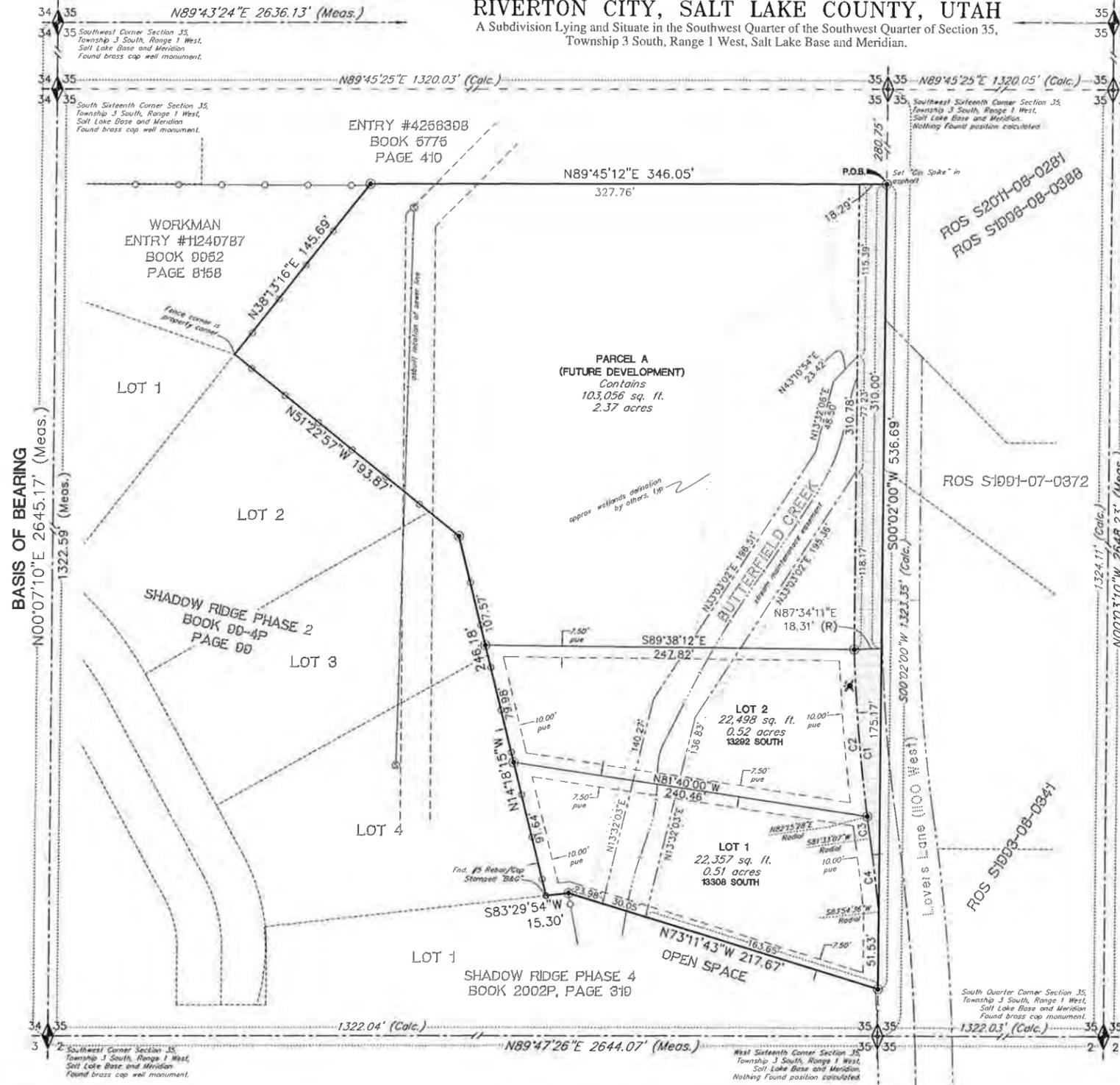


ZONING MAP

THE CREEK AT LOVERS LANE, PHASE 1

RIVERTON CITY, SALT LAKE COUNTY, UTAH

A Subdivision Lying and Situate in the Southwest Quarter of the Southwest Quarter of Section 35, Township 3 South, Range 1 West, Salt Lake Base and Meridian.



- LEGEND**
- 18 17 - SECTION CORNER & SECTION LINE
 - 18 17 - SET 5/8" BAR & CAP IS 356548 & PROPERTY LINE
 - ASBUILT SANITARY SEWER LINE
 - 20.00' WIDE SEWER EASEMENT ENTRY 17545258
 - CHAINLINK FENCE LINE
 - ADJOINING PROPERTY LINES
 - ROUTE OF WAY LINES
 - RADIAL/DIMENSION LINES
 - PUE/PUBLIC UTILITY EASEMENT AS NOTED
 - 30.00' WIDE STREAM CHANNEL EASEMENT TO RIVERTON CITY
 - APPROXIMATE WETLANDS DELINEATION LINE, BY HYDROBIOLOGICAL ECO SYSTEMS
 - (R) - RADIAL = FIRE HYDRANT
 - STREET DEDICATION PARCEL

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	126.04'	1,200.00'	06°01'03"
C2	111.26'	1,200.00'	05°18'43"
C3	14.78'	1,200.00'	00°42'20"
C4	49.38'	1,200.00'	02°21'28"

PLAT NOTES

- Questar approves this plat solely for the purpose of confirming that the plat contains public utility easements. Questar may require other easements in order to serve this development. This approval does not constitute obligation or waiver of any other existing rights, obligations, or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgment of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Questar's Right-of-Way department at 1-800-366-8532.
- A geotechnical report has been completed by Earthtech Engineering on December 04, 2013 for the land within this subdivision. This report is on file at the Riverton City Public Works office and at the office of Earthtech Engineering.
- The front PUE on Lots 1 and 2 is also a Public Drainage Easement and Snow Storage Easement in favor of Riverton City.
- FLOOD ZONE DESIGNATION:** Subject property falls within Flood Zone "X" Area determined to be outside the 0.02% Annual Chance Floodplain as delineated by FEMA Flood Insurance Map Number 49035C0436 revised September 25, 2009.
- Riverton City Commissioned a study in 2006 on the Butterfield Creek Drainage. The recommended channel for peak flow rates of the creek is indicated by the 20 ft. easement containing the creek. Homeowner must maintain free flow of the stream and must acquire prior permission from Riverton City Engineering Department before any grading, planting or building can occur within that easement. This study indicates that current 100 year Flood Plain elevation is 4391.5. Riverton City standards require that lowest opening in structures cannot be lower than 1 ft. above flood plain elevation. In addition, no homeowner shall place floatable material within the floodplain, which could flow downstream during a flooding event.

SURVEYOR'S CERTIFICATE:
I, David E. Hawkes, certify that I am a Professional Land Surveyor holding license number 356548 in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act and that a survey of the described tract of land has been completed by me in accordance with Section 17-23-17 and that I have verified all measurements and have placed monuments as shown hereon.

LEGAL DESCRIPTION:
A parcel of land lying and situate in the Southwest Quarter of Section 35, Township 3 South, Range 1 West, Salt Lake Base and Meridian, Riverton City, Salt Lake County, Utah, comprising the 3.57 acres of that particular parcel of land described in that certain Warranty Deed recorded as Entry 11743382, in Book 10185, at Page 8655 of the Salt Lake County Records, depleted as that certain Record of Survey filed as map 52014-01-0037 in the Office of the Salt Lake County Surveyor, Basis of Bearing for subject parcel being North 00°07'10" East 2645.17 feet (measured) between the Salt Lake County brass cap monuments monumentizing the west line of the Southwest Quarter of said Section 35. Subject parcel being more particularly described as follows:

Commencing at the Salt Lake County brass cap well monument monumentizing the Southwest Corner of said Section 35, thence North 00°07'10" East 1322.52 feet coincident with the west line of the Southwest Quarter of said Section 35 to the Salt Lake County brass cap well monument monumentizing the South Sixteenth Corner of said Section 35; thence North 89°45'25" East 1320.03 feet coincident with the north line of the Southwest Quarter of the Southwest Quarter to the Southwest Sixteenth Corner thereof; thence South 00°02'00" West 280.75 feet coincident with the east line of said Southwest Quarter of the Southwest Quarter of said Section 35 to the true point of beginning; thence North 23°11'43" West 217.67 feet coincident with the north boundary of Shadow Ridge Estates, Phase 4, recorded as Entry 8416126, in Book 2002P, at Page 319 of said County Records to the northeast corner of Lot 1 thereof; thence South 83°29'54" West 15.30 feet coincident with the north line of said Lot 1 to the southwest corner of Lot 4 Shadow Ridge Estates, Phase 2 recorded as Entry 7325836, in Book 99-4P, at Page 99 of said County Records; thence the following two (2) courses coincident with the east boundary of said Shadow Ridge Estates Phase 2, 1) North 14°18'15" West 246.18 feet; 2) North 51°22'57" West 193.87 feet to a fence corner; thence North 38°13'16" East 145.69 feet along a chain link fence line to a number 5 rebar and cap stamped PLS 356548; thence North 89°45'12" East 346.05 feet along a fence line to the point of beginning.

Contains 3.57 acres, 2 Lots, 1 Parcel



OWNERS DEDICATION
Known all men by these presents that we, the undersigned owners of the above described tract of land having caused the same to be subdivided into lots, as shown on this plat and name said tract THE CREEK AT LOVERS LANE PHASE 1, and hereby dedicate all those portions of said tract of land designated hereon as streets, the same to be used as public thoroughfares forever; and further dedicate, those certain strips as easements for public utility and drainage purposes as shown hereon, the same to be used for the installation, maintenance and operation of public utility service lines and drainage as may be authorized by Riverton City in witness we have hereunto set our signature

Signed this _____ day of _____, 2015
By _____, its Manager

Corporate ACKNOWLEDGMENT
STATE OF UTAH } S.S.
COUNTY OF SALT LAKE }

On the _____ day of _____, 2015, personally appeared before me, the undersigned Notary, in and for said County of _____, in said State of Utah, the signer of the above Owner's Dedication, One in number, who duly acknowledged to me that he _____ is the Managing Member of Lighten Investments, LLC and that he signed it freely and voluntarily and for the use and purpose therein mentioned

Notary Public _____ My Commission Expires _____

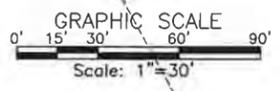
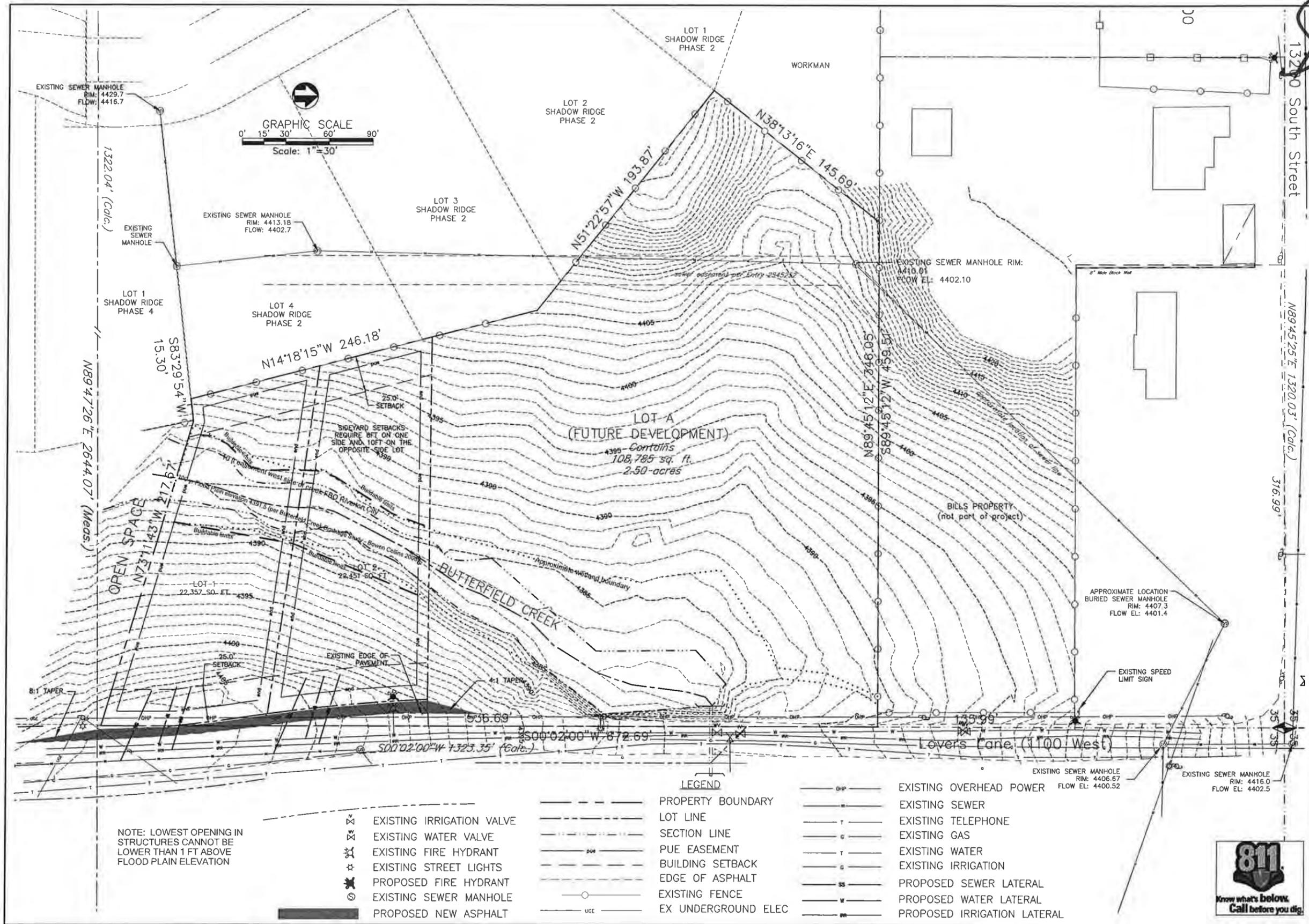
THE CREEK AT LOVERS LANE, PHASE 1
RIVERTON CITY, SALT LAKE COUNTY, UTAH
A Subdivision Lying and Situate in the Southwest Quarter of the Southwest Quarter of Section 35, Township 3 South, Range 1 West, Salt Lake Base and Meridian.

Boundary Consultants
Professional Land Surveyors
1295 North 1700 West
Farr West, Utah 84404
(801) 792-1569
dave@boundaryconsultants.biz

CENTURY LINK APPROVED THIS _____ DAY OF _____ A.D., 2015 BY CENTURY LINK.	ROCKY MOUNTAIN POWER APPROVED THIS _____ DAY OF _____ A.D., 2015 BY ROCKY MOUNTAIN POWER.	QUESTAR APPROVED THIS _____ DAY OF _____ A.D., 2015 BY QUESTAR.	COMCAST APPROVED THIS _____ DAY OF _____ A.D., 2015 BY COMCAST.	SOUTH VALLEY SANITARY SEWER DISTRICT APPROVED THIS _____ DAY OF _____ A.D., 2015 BY THE IMPROVEMENT DISTRICT.
CENTURY LINK	ROCKY MOUNTAIN POWER	QUESTAR	COMCAST	DISTRICT MANAGER

COUNTY HEALTH DEPARTMENT APPROVED THIS _____ DAY OF _____ A.D., 2015.	RIVERTON CITY WATER APPROVED THIS _____ DAY OF _____ A.D., 2015 BY THE RIVERTON CITY WATER DEPARTMENT.	RIVERTON CITY PLANNING APPROVED THIS _____ DAY OF _____ A.D., 2015 BY THE RIVERTON CITY PLANNING DEPARTMENT.	RIVERTON CITY ENGINEER APPROVED THIS _____ DAY OF _____ A.D., 2015 BY THE RIVERTON CITY ENGINEERING DEPARTMENT.	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ A.D., 2015.	RIVERTON CITY COUNCIL PRESENTED TO RIVERTON CITY COUNCIL THIS _____ DAY OF _____ A.D., 2015 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.	RECORDED # STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE \$ _____
DIRECTOR	RIVERTON CITY WATER	DIRECTOR	DATE RIVERTON CITY ENGINEER	RIVERTON CITY ATTORNEY	MAYOR RECORDER	SALT LAKE COUNTY RECORDER

JUN 03 2015



THE CREEK AT LOVERS LANE PHASE 1
SITE PLAN - PHASE 1
 RIVERTON CITY, SALT LAKE COUNTY, UTAH

TWIN PEAKS
 Engineering & Land Surveying
 2264 NORTH 1450 EAST LEHI, UTAH 84043
 (801) 450-3511, (801) 439-0700 FAX

DATE: JANUARY 2014
 PLAN DATE: 30 December 2014



4
 7

NOTE: LOWEST OPENING IN STRUCTURES CANNOT BE LOWER THAN 1 FT ABOVE FLOOD PLAIN ELEVATION

- ⊗ EXISTING IRRIGATION VALVE
- ⊗ EXISTING WATER VALVE
- ⊗ EXISTING FIRE HYDRANT
- ⊗ EXISTING STREET LIGHTS
- ⊗ PROPOSED FIRE HYDRANT
- ⊗ EXISTING SEWER MANHOLE
- ⊗ PROPOSED NEW ASPHALT

- LEGEND**
- PROPERTY BOUNDARY
 - LOT LINE
 - SECTION LINE
 - PUE EASEMENT
 - BUILDING SETBACK
 - EDGE OF ASPHALT
 - EXISTING FENCE
 - EX UNDERGROUND ELEC

- OHP EXISTING OVERHEAD POWER
- EXISTING SEWER
- EXISTING TELEPHONE
- EXISTING GAS
- EXISTING WATER
- EXISTING IRRIGATION
- SS PROPOSED SEWER LATERAL
- W PROPOSED WATER LATERAL
- IR PROPOSED IRRIGATION LATERAL

Scott Carlson
 PROFESSIONAL ENGINEER
 No. 167727
 S. SCOTT CARLSON
 STATE OF UTAH

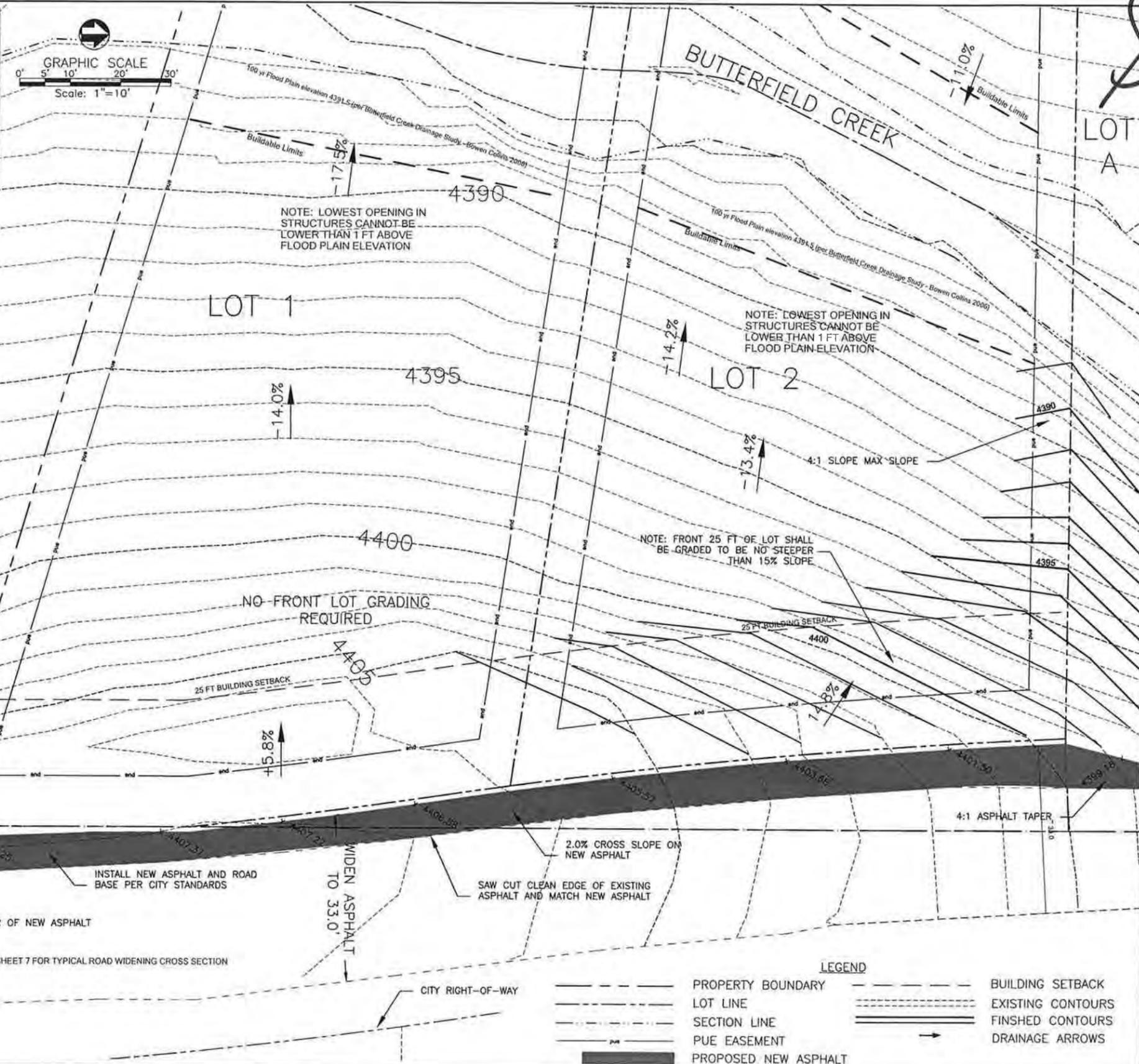
THE CREEK AT LOVERS LANE PHASE 1
 PROPOSED GRADING AND DRAINAGE,
 AND ASPHALT WIDENING
 RIVERTON CITY, SALT LAKE COUNTY, UTAH

TWIN PEAKS
 Engineering & Land Surveying
 2264 NORTH 1450 EAST, LEHI, UTAH 84043
 (801) 450-3511, (801) 439-0700 FAX

DATE: JANUARY 2014
 PLOT DATE: 30 December 2014

SHEET
 5
 7

NATIVE GRASS MIX SPECIES	PLS/acre
Mountain brome (<i>Bromus marginatus</i>)	7.50
Slender wheatgrass (<i>Elymus trachycaulus</i> ssp. <i>trachycaulus</i>)	6.25
Sandberg bluegrass (<i>Poa secunda</i> ssp. <i>sandbergii</i>)	1.25
Big bluegrass (<i>Poa secunda</i> ssp. <i>ampla</i>)	1.25
Rocky Mountain fescue (<i>Festuca saximontana</i>)	1.25
Western wheatgrass (<i>Pascopyrum smithii</i>)	5.00
Bluebunch wheatgrass (<i>Pseudoroegneria spicata</i> ssp. <i>spicata</i>)	2.50
TOTAL:	25.00



AS THE DEVELOPER OF THIS PROPERTY I HEREBY CERTIFY THAT I UNDERSTAND:

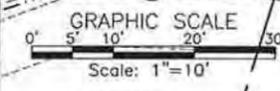
1. HOW THE EXISTING GRAVITY IRRIGATION SYSTEM WORKS IN THE VICINITY OF THIS PROPERTY.
2. HOW MY DEVELOPMENT OF THIS PROPERTY WILL AFFECT THIS SYSTEM AND ASSOCIATED STAKEHOLDERS.
3. THAT I TAKE FULL RESPONSIBILITY FOR THE CHANGES I AM MAKING TO THIS SYSTEM.
4. RIVERTON CITY DOES NOT AND WILL NOT ASSUME LIABILITY FOR CHANGES I MAKE TO THE SYSTEM.

NOTES:
 I HEREBY CERTIFY THAT THIS DESIGN FOR THE ONSITE DRAINAGE FOR THIS DEVELOPMENT WAS PREPARED BY ME (OR UNDER MY DIRECT SUPERVISION) IN ACCORDANCE WITH THE PROVISIONS OF THE RIVERTON CITY STORM WATER DESIGN STANDARDS AND REGULATIONS, AND WAS DESIGNED TO COMPLY WITH THE PROVISIONS THEREOF. I UNDERSTAND THAT RIVERTON CITY DOES NOT AND WILL NOT ASSUME LIABILITY FOR DRAINAGE FACILITIES DESIGN.

A LAND DISTURBANCE PERMIT MUST BE OBTAINED FROM RIVERTON CITY PRIOR TO DISTURBING ANY VEGETATION OR MOVING ANY SOIL. CONTACT TOM BEESLEY AT 801-208-3152.

FEMA FIRM MAP NUMBER 49035C0443G (REVISED SEPT 25, 2009) INDICATES THAT THIS PROPERTY IS IN ZONE X AREA DETERMINED TO BE OUTSIDE THE 0.02% ANNUAL CHANCE FLOODPLAIN.

RIVERTON CITY COMMISSIONED A STUDY IN 2006 ON THE BUTTERFIELD CREEK DRAINAGE. IF IMPLEMENTED, PEAK FLOW RATES IN BUTTERFIELD CREEK THROUGH THIS AREA WILL CHANGE. BUYERS ARE ENCOURAGED TO FAMILIARIZE THEMSELVES WITH THIS STUDY.



LEGEND

	PROPERTY BOUNDARY		BUILDING SETBACK
	LOT LINE		EXISTING CONTOURS
	SECTION LINE		FINISHED CONTOURS
	PUE EASEMENT		DRAINAGE ARROWS
	PROPOSED NEW ASPHALT		

Minutes

1 **density. Commissioner Kochevar seconded the motion. Vote on motion:**
2 **Commissioner Hansen – Nay; Commissioner Hartley – Aye; Commissioner Bryant –**
3 **Aye; Commissioner Kochevar – Aye; Chair Russell – Aye; and Commissioner**
4 **Endrizzi – Aye. The motion passed 5-to-1.**

5
6 **C. SUBDIVISION, THE CREEK AT LOVERS LANE, THREE LOTS, 13270**
7 **SOUTH LOVERS LANE, RR-22 ZONE, RIDGE AT LOVERS LANE LLC,**
8 **APPLICANT.**

9
10 Mr. Aagard presented the staff report regarding a three-lot subdivision at 13270 South
11 Lovers Lane. The property is currently zoned RR-22, with the surrounding areas being
12 similarly zoned. The applicant is proposing to subdivide one parcel totaling 4.6 acres into
13 three smaller lots. Mr. Aagard explained that Lots 1 and 2 would be to the south, and
14 Parcel A to the north would be preserved for future subdividing.

15
16 Mr. Aagard added that there have been challenges in preparing the property for
17 development. The challenges included the slope of the property, improvement
18 requirements to Lovers Lane, and the wetlands located within the property itself. To
19 combat those challenges, the applicant was required to submit grading plans showing
20 where a home could be constructed on each lot, and add an additional seven to nine feet
21 of asphalt on the western edge of the property to widen Lovers Lane to 33 feet. Mr. Aagard
22 added that curb, gutter, and sidewalk would not be required to be consistent with the rest
23 of Lovers Lane. The applicant was also required to approach the U.S. Army Corps of
24 Engineers regarding the wetlands, and comply their requirements. Staff recommended
25 approval with the conditions outlined in the staff report.

26
27 Chair Russell asked staff if they had obtained everything they need from the applicant to
28 this point. Mr. Aagard confirmed that they had not yet received a copy of the application
29 submitted to the Army Corps.

30
31 Chair Russell opened the public hearing.

32
33 The applicant, Dan Lighten, was present representing Ridge at Lovers Lane, LLC. He
34 clarified the wetland and flood plain issues and their approval from the Army Corps. He
35 explained that they previously developed a subdivision further north on Lovers Lane and
36 received many compliments on it.

37
38 There were no further public comments. Chair Russell closed the public hearing.

39
40 **Commissioner Kochevar moved that the Planning Commission recommend**
41 **APPROVAL of Application #14-1001, The Creek at Lovers Lane Subdivision, located**
42 **at 13270 South Lovers Lane, subject to the following conditions:**

- 43
44 **1. Storm drainage systems and installation shall comply with Engineering**
45 **Department requirements and standards.**
46

- 1 **2. Any and all irrigation ditches associated with the property shall be addressed,**
2 **with disposition of the irrigation system approved by Riverton City and the**
3 **proper irrigation company or users.**
- 4
- 5 **3. The subdivision shall comply with any and all applicable Riverton City**
6 **standards and ordinances**
- 7
- 8 **4. Provide a copy of the U.S. Army Corps of Engineers permit application.**
- 9
- 10 **5. The approved plans shall match the Corps' application.**
- 11
- 12 **6. Compliance with all conditions on the Corps' application.**
- 13
- 14 **7. Address minor redline comments on the subdivision plat and submit four sets**
15 **of properly signed and stamped plat and drawings.**
- 16

17 **Commissioner Bryant seconded the motion. Vote on motion: Commissioner Hansen**
18 **– Aye; Commissioner Hartley – Aye; Commissioner Bryant – Aye; Commissioner**
19 **Kochevar – Aye; Chair Russell – Aye; and Commissioner Endrizzi – Aye. The motion**
20 **passed unanimously.**

- 21
- 22 **D. CONDITIONAL USE, MAKIKO'S DAYCARE, 11930 SOUTH REDWOOD**
23 **ROAD, C-N ZONE, CURTIS WASHINGTON REPRESENTING THE**
24 **APPLICANT.**

25

26 Mr. Aagard presented the staff report and explained that the applicant is requesting a
27 conditional use permit to operate a commercial daycare in an existing structure located at
28 11930 South Redwood Road. The property is zoned C-N, Neighborhood Commercial, as
29 is the property to the south. The properties to the east, west, and north are zoned R-3 and
30 R-4. Mr. Aagard informed the Commission that the property has been used as a daycare
31 previously, but the conditional use permit expired after one year and the previous owners
32 vacated the property. He presented an aerial photograph of the property and a site plan
33 identifying the existing playground area, fencing, and parking. Mr. Aagard stated that a
34 condition was included in the staff report to prevent traffic stacking on Redwood Road.
35 Staff recommended approval.

36

37 Chair Russell opened the hearing to the public. There were no public comments. Chair
38 Russell closed the public hearing.

39

40 **Commissioner Hansen moved that the Planning Commission recommend**
41 **APPROVAL of the proposed Makiko's Daycare, Application #PL-15-2012, located at**
42 **11930 South Redwood Road, subject to the following conditions:**

- 43
- 44 **1. Storm drainage systems and accommodations shall comply with Riverton**
45 **City standards and ordinances, and with the recommendations of the Riverton**
46 **City Engineering Division.**



Issue Paper

Item No. 3.3

Presenter/Submitted By:	Jason Lethbridge, Planning Manager	
Subject: SITE PLAN, OUR JOURNEY SCHOOL DBA MONTESSORI AT RIVERTON, 1646 WEST 13200 SOUTH, C-N ZONE, EMILY AUNE, APPLICANT	Meeting Date: August 18, 2015	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: <p>Emily Aune has submitted an application requesting site plan approval for the development of physical infrastructure for a private school at 1646 West 13200 South. The property is zoned C-N (Commercial Neighborhood) and RR-22, and is currently occupied by several structures. Property to the west is zoned RR-22 (Rural Residential ½ acre lots) as is the property to the east. However, the property to the west, adjacent to Redwood Road, includes vacant property and an existing legal nonconforming commercial business, Barrett’s Blossoms. The property to the north is also zoned RR-22.</p> <p>The application is primarily for the installation of a parking/turn-around area on the site. The parking area includes 23 parking stalls, and queuing space for up to 30 vehicles. One of the conditions under the C.U.P. was for parking and stacking to occur off-street, and this parking area will allow for that to occur with the projected capacity of the school. The parking area also includes a bulb at the north end to accommodate turn-around movement for vehicles.</p>		
Recommendation: <p>On July 9, 2015, the Planning Commission voted to recommend APPROVAL of this site plan application.</p>		
Planning Commission Recommended Motion: <p>“I move the City Council approve the Site Plan for the Montessori School located at 1646 West 13200 South, with the conditions outlined in the Staff Report.”</p>		

**RIVERTON CITY
MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Development Review Committee

DATE: August 18, 2015

SUBJECT: SITE PLAN, OUR JOURNEY SCHOOL DBA MONTESSORI AT RIVERTON, 1646 WEST 13200 SOUTH, C-N ZONE, EMILY AUNE, APPLICANT.

On July 9, 2015, the Planning Commission voted to recommend APPROVAL of this Site Plan. Minutes from that meeting are included below. The Planning Commission recommended the following motion:

I move the City Council APPROVE the Site Plan for the Montessori School located at 1646 West 13200 South, with the following conditions:

1. The site and infrastructure shall comply with any and all requirements of the approved Conditional Use Permit(s).
2. Fencing on the north property line shall consist of solid core decorative concrete fencing at a minimum height of six (6) feet.
3. Storm water management on site, including the proposed storm water pond, be constructed in accordance with a design approved by the Riverton City Engineering Department.
4. Any and all irrigation ditches, weirs, etc. on or associated with this site be addressed in compliance with Riverton City standards and ordinances, and as approved by the appropriate water company/ditch master.
5. Construction of the parking lot and associated infrastructure not commence until final approval of the technical drawings.
6. The site and structures comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.

BACKGROUND:

Emily Aune has submitted an application requesting site plan approval for the development of physical infrastructure for a private school at 1646 West 13200 South. The property is zoned C-N (Commercial Neighborhood) and RR-22, and is currently occupied by several structures. Property to the west is zoned RR-22 (Rural Residential ½ acre lots) as is the property to the east. However, the property to the west, adjacent to Redwood Road, includes vacant property and an existing legal nonconforming commercial business, Barrett's Blossoms. The property to the north is also zoned RR-22. The private school in operation on the site received the necessary Conditional Use Permits for operation of the school in 2014.

The application is primarily for the installation of a parking/turn-around area on the site. The parking area includes 23 parking stalls, and queuing space for up to 30 vehicles. One of the conditions under the C.U.P. was for parking and stacking to occur off-street, and this parking

area will allow for that to occur with the projected capacity of the school. The parking area also includes a bulb at the north end to accommodate turn-around movement for vehicles.

The site plan also includes installation of a storm water management pond in the northeast corner of the property, which is required to be meet all City standards and ordinances regulating such facilities. The applicant has also submitted information addressing the existence of an irrigation system on the property, and will maintain that system in compliance with Riverton City ordinance and under the direction of the ditch master and/or water company.

The primary issue to be addressed in this approval is that of fencing. The conditional use permit included a condition that "Fencing type and location [b]e determined at site plan". The properties to the north of this site are zoned RR-22, which is a single family rural residential zone bearing animal rights. Riverton City Ordinance 18.155.080 states the following:

(1) Noncompatible Zones. A solid core decorative concrete fence with a minimum height of six feet shall be required between noncompatible zones. Both sides of the fence shall receive equal treatment with respect to pattern, color, etc. Hollow, foam core, fiberglass/concrete mix, or other alternative fence types are not permitted.

The zoning of the north part of this site, adjacent to the existing residential development, is RR-22. However, Riverton City Ordinance 18.05.030, Definitions, states the following:

Noncompatible use of land" or "noncompatible zone" means a use of land or zone that is determined to be or of potentially being in conflict with, or of adverse impact to, adjoining parcels. Adjoining uses which differ in activity, intensity and utilization or which are contrary to harmonious uses may be determined as noncompatible at the discretion of the planning commission

While the zoning of the northern portion of this property is RR-22, the use of the ground as a private school is clearly not residential in nature, and is classified by the City as a noncompatible quasipublic use. Based on the ordinances above, the use of the land as is defined as a noncompatible use and therefore solid-core decorative concrete fencing is required. The applicant's representative proposed alternative fencing 10 feet inside the north property line. However, the Planning Commission's recommendation includes Condition #2 above, which requires solid core concrete fencing on the north property line. The applicant, following the Planning Commission hearing, has made an alternative proposal, which is included below with the email text as submitted to staff. Condition #2 can be amended should the Council desire to modify in any way the fencing requirements.

ATTACHMENTS:

The following items are attached for your review:

1. A copy of the Conditional Use Permit application
2. An 8½"x11" copy of the Zoning Map
3. An 8½"x11" copy of the Aerial View(s)
4. Images of the site
5. Site Plan



13035 S

REDWOOD RD

DAPPLE GRAY CIR

HANDLER BOY CT

RIVERTON RANCH RD

BLAZE CT

TROTTER CT

Subject Property

Riverton City Cemetery

13200 S

JARED CIR





W 13200 S



BELLE FAMILY ENTERPRISES
277-344-402 #041

THESE ALIEN PROPERTY EASEMENTS
MAY BE DEFINED BY LEGAL COUNSEL

EXISTING SIDEWALK TO BE
REMOVED AND NEW SIDEWALK
TO BE INSTALLED AS SHOWN
SPACING EACH SIDE

EXISTING SIDEWALK TO BE
REMOVED AND NEW SIDEWALK
TO BE INSTALLED AS SHOWN
SPACING EACH SIDE

ROCK DETENTION ON EXISTING
IS ADDED TO RETENTION POND

THESE ALIEN PROPERTY EASEMENTS
TO BE DEFINED BY LEGAL COUNSEL



LINE RETENTION POND ON
ROOF THE 24' OR LARGER OF
ROCK IS TO BE INSTALLED
AS SHOWN

DUAL TIER RETENTION POND

NO.	DATE	BY	DESCRIPTION
1	08/05/20	J. J. JONES	ISSUED FOR PERMIT

4443 4442 4441

ON-SITE MAINTENANCE ITEMS

NO.	DATE	BY	DESCRIPTION
1	08/05/20	J. J. JONES	ISSUED FOR PERMIT
2	08/05/20	J. J. JONES	ISSUED FOR PERMIT
3	08/05/20	J. J. JONES	ISSUED FOR PERMIT
4	08/05/20	J. J. JONES	ISSUED FOR PERMIT
5	08/05/20	J. J. JONES	ISSUED FOR PERMIT
6	08/05/20	J. J. JONES	ISSUED FOR PERMIT
7	08/05/20	J. J. JONES	ISSUED FOR PERMIT
8	08/05/20	J. J. JONES	ISSUED FOR PERMIT
9	08/05/20	J. J. JONES	ISSUED FOR PERMIT
10	08/05/20	J. J. JONES	ISSUED FOR PERMIT
11	08/05/20	J. J. JONES	ISSUED FOR PERMIT
12	08/05/20	J. J. JONES	ISSUED FOR PERMIT
13	08/05/20	J. J. JONES	ISSUED FOR PERMIT
14	08/05/20	J. J. JONES	ISSUED FOR PERMIT
15	08/05/20	J. J. JONES	ISSUED FOR PERMIT
16	08/05/20	J. J. JONES	ISSUED FOR PERMIT
17	08/05/20	J. J. JONES	ISSUED FOR PERMIT
18	08/05/20	J. J. JONES	ISSUED FOR PERMIT
19	08/05/20	J. J. JONES	ISSUED FOR PERMIT
20	08/05/20	J. J. JONES	ISSUED FOR PERMIT

DEMOLITION NOTE

REMOVE EXISTING TREES AND LANDSCAPING AS
NECESSARY FOR CONSTRUCTION OF NEW PERMIT



FENCING ALONG PROPERTY BOUNDARY TO BE DETERMINED BY CITY AND OWNER'S LEGAL COUNSEL

4445

4446

4444

4447

4448

4449

TRASH ENCLOSE W/ 9'W X 6'H VINYL GATE PROVIDE 8'W X 10' D. CONK, 4' AP AND EVERGREEN LANDSCAPING SCREENING EACH SIDE

EXISTING BARN TO REMAIN
F.F. = 4444.5
F.F.2 = 4454.0

POND SLOPES ARE 3 TO 1

ROCK MULCH OR LAYER OF COBBLE TO MAINTAIN POND VOLUME

DRAINAGE DITCH
12" DEEP 3 TO 1
MAX SLOPES

EXISTING BLDG. W/ NEW CLASSROOMS
EXISTING GARAGE / SHOP
F.F. = 4450.06

EXISTING LEAN-TO W/ BASEMENT
F.F. = 4451.071

4445

DRAINAGE VALLES

CURB AND GUTTER
1A/C-2.0

(42)

(39)

(40)

(41)

(42)

(42)

(41)

(40)

NEW 5 FT SIDEWALK - SEE 6162.0

EXISTING 10' GATE

EXISTING CONCRETE PAVING

(44)

OPENING IN CURB

ASPHALT PAVING
101G-2.0

CURB AND GUTTER
1B/C-2.0

3' OPENING IN CURB

(42)

(42)

IRRIGATION DITCH

EXISTING LEAN-TO W/ BASEMENT
F.F. = 4451.071

PAVERS

EXISTING 10' GATE

EXISTING STONE RETAINING WALL

(45)

RAIN STRIPING

(43)

4443

4442

4441

EXISTING LEAN-TO W/ BASEMENT
F.F. = 4451.071

EXISTING PAVED WALKWAY

EXISTING 10' GATE

EXISTING GRAVEL PAVING

EXISTING SHED STRUCTURE TO REMAIN

(46)

ASPHALT PAVING
101G-2.0

(43)

(43)

4444

4444

4444

4450

EXISTING CONCRETE PAVING TO REMAIN

EDGE OF ASPHALT PAVING

EDGE OF ASPHALT PAVING

(47)

6' EDGE OF PARKING TO GATE

(43)

4444

4444

4444

4444

4450

EXISTING CONCRETE PAVING TO REMAIN

EXISTING GATE

EXISTING GATE

EXISTING GATE

(48)

FC APPENDIX D
FIGURE D103.1

(43)

4444

4444

4444

4444

4450

EXISTING CONCRETE PAVING TO REMAIN

EXISTING GATE

EXISTING GATE

EXISTING GATE

(48)

LANDSCAPE ISLAND

(43)

4444

4444

4444

4444

4450

EXISTING CONCRETE PAVING TO REMAIN

EXISTING GATE

EXISTING GATE

EXISTING GATE

(48)

EDGE OF ASPHALT PAVING - NO CURB FOR FUTURE EXPANSION

(43)

4444

4444

4444

4444

4450

EXISTING CONCRETE PAVING TO REMAIN

EXISTING GATE

EXISTING GATE

EXISTING GATE

(48)

ASPHALT PAVING
101G-2.0

(43)

4444

4444

4444

4444

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EXISTING CONCRETE PAVING TO REMAIN

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PASKER GOULD AMES & WEAVER



REGISTERED PROFESSIONAL ENGINEER
No. 163631
Emmanuel Karamanos
STATE OF UTAH

SITE PLAN
OUR JOURNEY - PRIVATE SCHOOL
DBA MONTESSORI AT RIVERTON
RIVERTON, UTAH
1646 WEST 13200 SOUTH

PERMIT DRAWINGS
DATE: JULY 2014
JOB NO: 201400
DESIGN: [Signature]
C
1.0



SECTION THRU RETENTION POND
SCALE: NONE

LEGEND

- 4445 --- EXISTING CONTOUR ELEVATION
- (45) --- FINISH CONTOUR ELEVATION
- 4445.0 --- DIGGING SPOT ELEVATION
- (41) --- FINISH SPOT ELEVATION
- TA --- TOP OF ASPHALT
- TC --- TOP OF CONCRETE
- TBC --- TOP BACK OF CURB
- SW --- TOP OF SIDEWALK
- Tg --- TOP OF GRADE
- FL --- FLOLINE
- ← --- DRAINAGE DIRECTION
- EX --- EXISTING FENCE TO REMAIN
- IB □ --- INLET BOX
- MHO --- MANGLE
- GOO --- CLEANOUT
- PH --- FIRE HYDRANT
- SD --- STORM DRAIN LINE
- RD --- ROOF DRAIN LINE
- WL --- WATER LINE
- FL --- FIRE LINE
- SS --- SANITARY SEWER LINE
- G --- GAS LINE
- --- EXISTING UTILITY LINE
- --- NEW UTILITY LINE

VEHICLE QUEUING

- SEE TRAFFIC STUDY PROVIDED BY TURKEY CONSULTING, LLC. DATED JULY 7, 2014.
- PHASE 1 - MAXIMUM VEHICLE QUEUING REQUIRED:
 - DROP-OFF: 11 VEHICLE MAX. QUEUE
 - PICK-UP: 15 VEHICLE MAX. QUEUE
- PHASE 2 - VEHICLE QUEUING PROVIDED:
 - MINIMUM 20 VEHICLE QUEUE
 - MAXIMUM 30 VEHICLE QUEUE
- 7 ACTIVE ELEMENTARY DROP-OFF / PICK-UP LOCATIONS PROVIDED
- 4 ACTIVE EARLY CHILDHOOD DEVELOPMENT DROP-OFF / PICK-UP LOCATIONS PROVIDED
- 1 TOTAL ACTIVE DROP-OFF / PICK-UP LOCATIONS PROVIDED

OFF-STREET PARKING

RIVERTON CITY MUNICIPAL CODE
CHAPTER 16 - AUTOMOBILE PARKING
SECTION 16.05.020. MINIMUM SPACE REQUIREMENTS: TWO SPACES PER TEACHING STATION PLUS 10 VISITOR SPACES

PHASE 1:
6 TEACHING STATIONS: 22 PARKING STALLS REQUIRED
23 PARKING STALLS PROVIDED

GENERAL NOTES

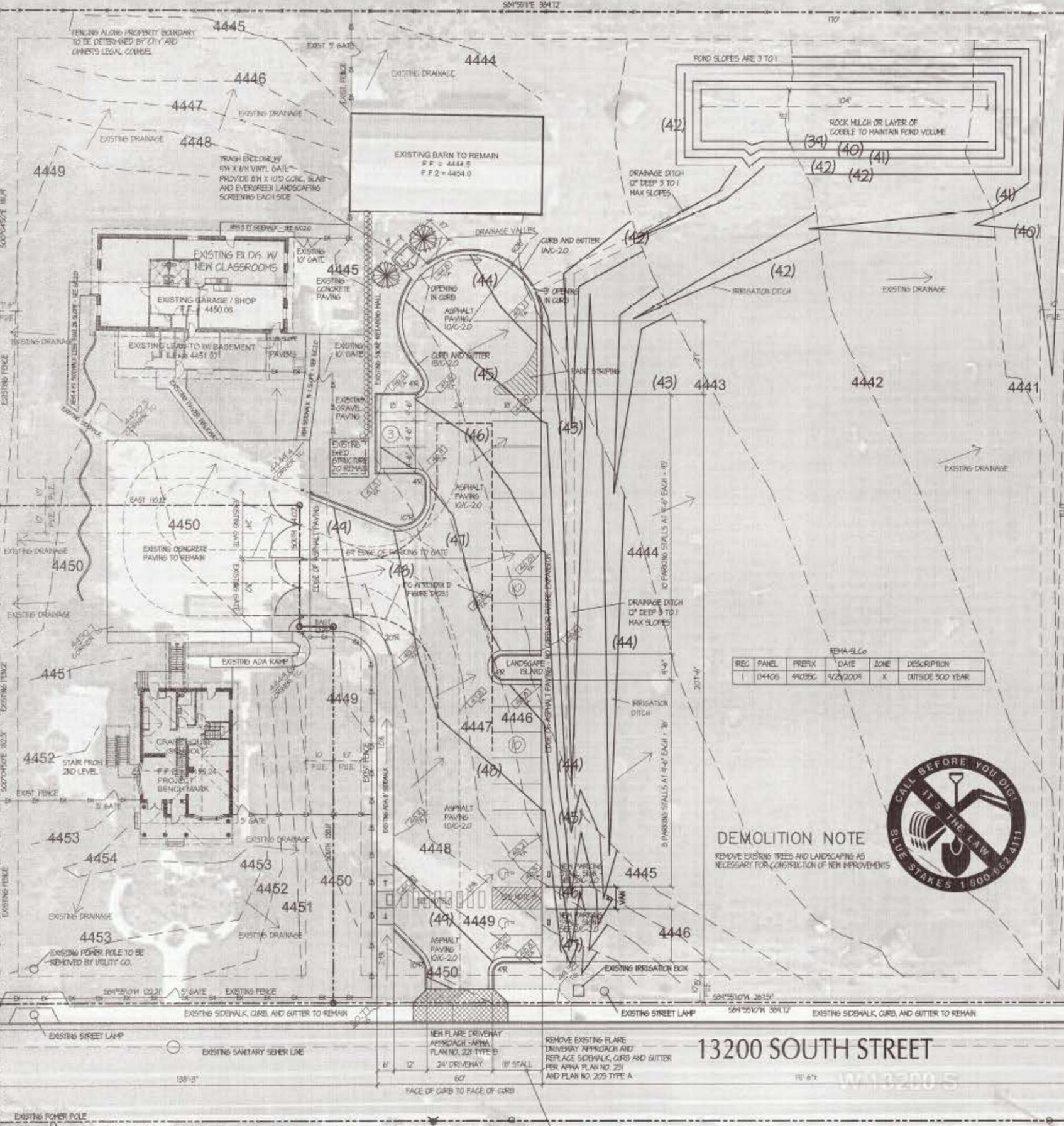
- ALL WORK SHALL CONFORM TO THE RIVERTON CITY GENERAL NOTES.
SEE RIVERTON CITY STD. DWG. NO. 6N-1.
- ALONG WITH THE ADDITION OF THE FOLLOWING SPECIFIED NOTES:
- CONTRACTOR SHALL VERIFY ALL EXISTING AND FINISH GRADES AND DIMENSIONS BEFORE STARTING CONSTRUCTION.
 - CONTRACTOR SHALL VERIFY THE SANITARY SEWER, STORM DRAIN, AND WATER LINE STREET CONNECTIONS AND THE LOCATION, DEPTH AND SIZE OF ALL EXISTING UTILITIES BEFORE STARTING ANY CONSTRUCTION.
 - CONTRACTOR SHALL FOLLOW PIPE MANUFACTURER'S SPECIFICATIONS FOR THE INSTALLATION OF ALL PIPES.
 - ALL SITE WORK INCLUDING CURBS, GUTTERS, SIDEWALKS, DRIVEWAYS, PAVING, UTILITIES, STORM DRAIN, SIGNS, ETC. SHALL CONFORM TO RIVERTON CITY DEVELOPMENT STANDARDS, ENGINEERING REQUIREMENTS AND SUPPLEMENTAL SPECIFICATIONS FOR PUBLIC WORKS PROJECTS - LATEST EDITION AND THE LATEST EDITION OF THE ASPHA STANDARD PLANS AS REFERENCED.
 - THE FINISH GROUND SURFACE SHALL BE GRADED TO DRAIN WATER AWAY FROM EACH WALL OF THE BUILDING.
 - PREVENT ALL STORM WATER FROM FLOWING ONTO THE ADJACENT PROPERTY.
 - NOT WEATHER ASPHALT CONCRETE PAVEMENT TIE-IN PER ASPHA PLAN NO. 231 IS REQUIRED.
 - MAXIMUM SLOPE THRU ADA PARKING STALLS AND AISLES SHALL NOT EXCEED 2.0% IN ANY DIRECTION. ADA ROUTE CROSS SLOPE SHALL NOT EXCEED 2.0% AND LONGITUDINAL SLOPE SHALL NOT EXCEED 4.7%.
 - VERIFY AND COORDINATE SITE PLAN UTILITIES WITH THE PLUMBING PLANS BEFORE STARTING ANY WORK.
 - STORM WATER TREATMENT AND RETENTION IS SCHEMATIC AND SUBJECT TO APPROVAL BY RIVERTON CITY.
 - CONTRACTOR WILL BE REQUIRED TO PROVIDE A LICENSED SURVEYOR TO STAKE OUT NEW CONSTRUCTION FROM THE ARCHITECT'S COMPUTER SITE PLAN.
 - A RIGHT-OF-WAY ENCROACHMENT PERMIT MUST BE OBTAINED FROM RIVERTON CITY PRIOR TO DOING ANY WORK IN THE RIGHT-OF-WAY. CONTACT ANTHON ROBERTS AT 801-208-3785.
 - ALL RIGHT-OF-WAY UTILITIES SHALL BE BACKFILLED WITH FLOWABLE FILL.
 - A LAND DISTURBANCE PERMIT MUST BE OBTAINED FROM RIVERTON CITY PRIOR TO DISTURBING ANY VEGETATION OR MOVING ANY SOIL. CONTACT TOM BRESLEY AT 801-208-3652.

DEMOLITION NOTE

REMOVE EXISTING TREES AND LANDSCAPING AS NECESSARY FOR CONSTRUCTION OF NEW IMPROVEMENTS



13200 SOUTH STREET



REG.	PANEL	PREFIX	DATE	ZONE	DESCRIPTION
1	04406	44035C	4/23/2014	X	OUTSIDE 500 YEAR

BASIS OF BEARING=MONUMENT LINE
160°01'25" W, 2002.85' (442.8'), 266.53' S

S REDWOOD RD
SOUTH QUARTER CORNER SECTION 34 T 3 S, R 1 W, SLB&M

NAIL AND WASHER STAMPED: MERIDIAN
PLS. 172851. AT CALCULATED
SIXTEENTH CORNER (NOT FOUND
PAVED OVER)

RIVERTON CODE 16.05.030 ALLOWS FOR
REDUCED 10' DEEP PARKING STALLS WHERE
PARKING IS AGAINST CURB AREAS
(NOT NOSE-TO-NOSE PARKING).

I hereby certify that this design for the onsite drainage of this development was prepared by me in accordance with the provisions of the Riverton City Storm Water Design Standards and Regulations, and was designed to comply with the provisions thereof. I understand that Riverton City does not and will not assume liability for drainage facilities design.

Jason Lethbridge

From: Josh Aune <josh@ourjourney.org>
Sent: Thursday, August 06, 2015 3:42 PM
To: Jason Lethbridge; Ryan Carter
Cc: Emily Aune; Bruce Baird
Subject: Re: Fence Proposal for Montessori School

Expanding cc list.

On Fri, Aug 7, 2015 at 9:33 AM, Josh Aune <josh@ourjourney.org> wrote:

Hi Jason / Ryan,

I have a proposal on the fencing below that I would like you to review. I believe should be reasonable for all parties involved. I have confirmed with the Kurtz just this morning their position (our Neighbor to the north) and believe this will meet their needs as well.

We will put in the solid core concrete fencing along the property immediately to the north of the new building the school will be using. Rather than just going from the west corner to the west edge parallel to the barn (the only bordering area the school is using) we would complete the fence through past the barn to cover the entirety of the Kurtz's shared property line with us, about 220 ft. We currently have half of the funding pledged for this project but need to fundraise for the second half which we expect to take several months and thus are asking that we be given one year after CofO has been granted for carriage house/cottage building to complete the fencing requirement.

The Kurtz are amicable to postponing any fencing until the barn is occupied and have offered to come give public comment at the city council meeting stating such. I believe the above proposal meets the Kurtz's needs and that they will be supportive of this path.

Thank you for your consideration.

Josh Aune

Minutes

1 RIVERTON CITY PLANNING COMMISSION
2 MEETING MINUTES

3
4 July 9, 2015

5
6 The Riverton City Planning Commission convened at 6:30 p.m. in the Riverton City
7 Municipal Building, 12830 South 1700 West, Riverton, Utah.

8
9 Planning Commission Members:

Staff:

10
11 Dennis Hansen
12 James Endrizzi
13 Kent Hartley
14 Cade Bryant
15 Brian Russell
16 Scott Kochevar

Andrew Aagard, City Planner
Gordon Miner, City Engineer
Casey Taylor, City Attorney
Jason Lethbridge, City Planner

17
18 Chair Russell called the meeting to order. Commissioner Hansen led the Pledge of
19 Allegiance.

20
21 I. PUBLIC HEARING

22
23 A. **COMMERCIAL SITE PLAN, OUR JOURNEY SCHOOL DBA MONTESSORI**
24 **AT RIVERTON, 1646 WEST 13200 SOUTH, C-N ZONE, EMILY AUNE,**
25 **APPLICANT.**

26
27 City Planner, Jason Lethbridge, presented the staff report and stated that the property is
28 currently zoned RR-22 and C-N. He noted that the surrounding areas are similarly zoned
29 RR-22, which is single-family residential with large animal rights. Although the home on
30 the subject property has served various different purposes in the past, it is currently
31 functioning as a private school under a conditional use permit. Mr. Lethbridge explained
32 that when the conditional use permit came before the Planning Commission previously,
33 there was a condition specifying that a site plan for additional infrastructure and other
34 aspects of the property would be required. There were also several items discussed with
35 regard to the conditional use permit that were deferred to the approval of the site plan.
36 Mr. Lethbridge stated that the conditions included parking, pick up and drop off
37 requirements, fencing, storm water managements, and technical reviews.

38
39 Mr. Lethbridge expounded on the conditions pertaining to parking. He presented an aerial
40 photograph and identified the parking area. Based on the traffic study presented as part
41 of the conditional use permit, and other information about the business, staff concluded
42 that the parking outlined in the site plan is adequate for the property. Mr. Lethbridge also
43 addressed the issue of fencing and stated that the fencing ordinance requires six-foot solid
44 core decorative concrete fencing between non-compatible zones. Although the properties
45 to the north are similarly zoned, the uses are non-compatible, so staff feels that the fencing
46 should be required along that property line. The property to the west is of a similar zone

1 and use. Because there is already a vinyl fence in place there are no fencing requirements
2 outlined in the conditions.

3
4 Mr. Lethbridge stated that there are no unforeseen issues with the other conditions outlined
5 in the staff report. Staff recommended approval.

6
7 Commissioner Hansen requested clarification regarding fencing along the eastern property
8 line. Mr. Lethbridge informed the Commission that the applicant has indicated that there
9 was a possibility for future subdivision and development of the eastern portion of the
10 property, so the fencing would need to be addressed at the time of development. Staff did
11 not want the fencing requirements to cause issues in the future. Discussion was initiated
12 by Chair Russell regarding the possibility of revisiting the issue after a certain amount of
13 time, rather than leaving an open ended condition.

14
15 Chair Russell opened the public hearing.

16
17 Bruce Baird, counsel for the applicant, stated that they agree with all of the conditions
18 outlined by staff with the exception of the condition requiring solid core decorative concrete
19 fencing along the northern property line. He argued that the properties could not be
20 considered non-compatible because they were all zoned RR-22, and such extravagant
21 fencing should not be required. Mr. Baird added that since the neighbors to the north do
22 not have large animals or the space to house them on their properties, there was no risk
23 with putting up different fencing. Mr. Baird proposed creating a buffer by constructing their
24 fence 10 feet in from the property line and leaving that area as open space. He confirmed
25 that children would not be allowed to play in the area and the non-compatibility issue would
26 no longer exist. He stated that this was an idea that came to him recently, and he just
27 informed staff of that proposal prior to the meeting.

28
29 Michael Curtis, gave his address as 1629 West Dapple Gary Circle and stated that he lives
30 directly north of the subject property. He had no issue with the private school being there,
31 but had concerns with the possibility of children disturbing his fence and animals. Mr. Curtis
32 stated that they do want to create a financial hardship for anyone but he would like to retain
33 some of the peace and quiet they have enjoyed and asked that the fence be required per
34 Code.

35
36 Mr. Baird claimed that it was ridiculous to require a fence based on the possibility that one
37 neighbor might have a small dog and want to reduce the noise from the school. He also
38 stated that the Planning Commission could include a condition that the business only run
39 between certain hours to keep noise levels down in the evenings.

40
41 There were no further public comments. Chair Russell closed the public hearing.

42
43 Chair Russell asked staff if the fencing requirements in the second conditions were per City
44 standards. Mr. Lethbridge confirmed that although the language was not verbatim from
45 the ordinance, it specifies what is required between non-compatible zones, particularly with
46 large animal rights.

1
2 There was discussion regarding Mr. Baird's proposal of a 10-foot buffer. Mr. Lethbridge
3 stated that staff had not had sufficient time to consider this alternative and the Planning
4 Commission could table the issue if they felt that this option was worth researching further.

5
6 Commissioner Hartley requested that City Attorney, Casey Taylor, clarify the City's
7 definition of non-compatible zones. Mr. Taylor stated that the City uses the definitions for
8 non-compatible zones and non-compatible use interchangeably. In this case, the zoning
9 is the same, but the uses are different enough to warrant the required fencing.

10
11 There was brief discussion regarding fencing around other schools in the area, which is
12 normally chain link. Mr. Lethbridge confirmed that the school district is not subject to the
13 City's oversight and jurisdiction, however, a private school can be required to put up the
14 fencing per Code.

15
16 Commissioner Hartley was intrigued by the applicant's proposal of a 10-foot buffer and
17 suggested that the Planning Commission consider including a conditions regarding this
18 option. Mr. Lethbridge stated that staff would have ample time to review the proposed
19 option before final approval and construction.

20
21 **Commissioner Hansen moved that the Planning Commission APPROVE the Site**
22 **Plan for the Montessori School located at 1646 West 13200 South, with the following**
23 **conditions:**

- 24
25 **1. The site and infrastructure shall comply with any and all requirements of the**
26 **approved Conditional Use Permit(s).**
27
28 **2. Fencing on the north property line shall consist of solid core decorative**
29 **concrete fencing at a minimum height of six (6) feet.**
30
31 **3. Storm water management on site, including the proposed storm water pond,**
32 **shall be constructed in accordance with the design approved by the Riverton**
33 **City Engineering Department.**
34
35 **4. Any and all irrigation ditches, weirs, etc. on or associated with this site shall**
36 **be addressed in compliance with Riverton City standards and ordinances, and**
37 **as approved by the appropriate water company/ditch master.**
38
39 **5. Construction of the parking lot and associated infrastructure shall not**
40 **commence until final approval of the technical drawings.**
41
42 **6. The site and structures shall comply with any and all applicable Riverton City**
43 **standards and ordinances, including the International Building and Fire**
44 **Codes.**
45

1 **Commissioner Endrizzi seconded the motion. Vote on motion: Commissioner**
2 **Hansen – Aye; Commissioner Hartley – Nay; Commissioner Bryant – Aye;**
3 **Commissioner Kochevar – Aye; Chair Russell – Aye; and Commissioner Endrizzi –**
4 **Aye. The motion passed 5-to-1.**
5

6 **B. REZONE, REZONING 8.8 ACRES LOCATED AT APPROXIMATELY THE**
7 **NORTHWEST CORNER OF 1300 WEST 12600 SOUTH FROM R-4 AND C-**
8 **G TO RM-14, KEYSTONE CONSTRUCTION, APPLICANT.**
9

10 City Planner, Andrew Aagard, presented the staff report and stated that this was the
11 second time the Planning Commission has addressed this particular issue. He gave a brief
12 background of the previous application, which was denied because the applicant had not
13 obtained the necessary ownership affidavits from the property owners of the subject
14 properties. Since then, the applicant had obtain those affidavits and submitted another
15 application.
16

17 The applicant was proposing a rezone of the subject property from R-4 (Single-Family
18 Residential, 10,000 square foot lots) and C-G (Commercial Gateway) to RM-14. The
19 subject property has been designated as Community Commercial in the Riverton City
20 General Plan, but staff had not received a single application to rezone or amend the
21 properties to any kind of commercial zoning. Mr. Aagard commented that the possibility of
22 the entire area being commercially developed was slim. He explained that the applicant's
23 intention with the rezone request was to make way for a multi-family residential townhome
24 development. Mr. Aagard added that the RM-1 zone does not allow for apartment
25 buildings, only townhome type units. The applicant has requested time to present their
26 conceptual designs to the Planning Commission, which was being done at the discretion
27 of the applicant only, and not staff.
28

29 The applicant, Matt Lapire, remarked that they listened to feedback from the neighbors and
30 the comments made by the Commission at the previous meeting and made adjustments
31 to their plans. They intend to create a walkable community, where residents can utilize the
32 City's amenities in the area, as well as some provided by the community. Mr. Lapire
33 recognized the concerns of the adjacent neighbors and commented that they have chosen
34 to have a lower density along those property lines with higher density toward 1300 West.
35 The average density of the project would be 12.2 units per acre. Mr. Lapire presented
36 slides with conceptual drawings and site plans and briefly described the four different
37 product types they intent to build. In conclusion, he stated that they conducted a traffic
38 study and the Traffic Engineer was present to answer questions.
39

40 Daniel Join identified himself as a Traffic Engineer from House Engineering, and stated
41 that he conducted a traffic study in the area and determined the three intersections that
42 would be most affected by the development. He concluded that all of the intersections
43 would still perform at an acceptable level with the addition of the traffic from the proposed
44 project. Mr. Join confirmed that there would be less than a 5% increase in traffic flow,
45 which is minimal. He also confirmed that they spoke with UDOT regarding their
46 requirements.



Issue Paper

Item No. 3.4

Presenter/Submitted By:		Ryan Carter, City Attorney	
Subject: Approve a resolution amending Rules of Order and Procedure for public meetings of the Riverton City Council.	Meeting Date: August 18, 2015		
	Fiscal Impact: N/A		
	Funding Source: N/A		
Background:			
<p>The Utah State Legislature passed House Bill 267 in the 2011 General Session, which requires political subdivisions to adopt Rules of Order and Procedure. The Rules of Order and Procedure for public meetings of the Riverton City Council have been prepared and are attached as Exhibit A. House Bill 267 requires that the Rules of Order and Procedure generally address the following (3) issues:</p> <ol style="list-style-type: none"> 1. Rules of Parliamentary Order and Procedure 2. Ethical Behavior; and 3. Civil Discourse <p>Once adopted, the Rules of Order and Procedure may be amended by the City Council from time to time. This exercise also provides an appropriate avenue to consider whether the Council would like to adopt a resolution authorizing standards by which the Council will entertain providing its advice and consent to the Mayor's appointment of individuals to administrative positions. The City Attorney's office has drafted a set of standards for the Council to consider which provides such guidelines and will engage the Council with a discussion about this matter.</p>			
Recommendation:			
This matter is solely the Council's discretion to adopt.			
Recommended Motion:			
"I move the Riverton City Council approve <u>Resolution No. 15-62</u> - adopting Rules of Order and Procedure to provide guidelines for providing advice and consent to appointment of administrative positions by the Mayor."			

RIVERTON CITY, UTAH
RESOLUTION NO. 15-62

A RESOLUTION ADOPTING RULES OF ORDER AND PROCEDURE FOR PUBLIC MEETINGS OF THE RIVERTON CITY COUNCIL

WHEREAS, in the year 2011, the Utah Legislature adopted House Bill 267 which requires political subdivisions to adopt rules of order and procedure, and

WHEREAS, The Riverton City Council had adopted the Riverton City Council Rules of Order and Procedure (the “Rules”) prior to the passage of House Bill 267, but the Rules nevertheless complied with the standards pronounced by House Bill 267; and

WHEREAS, House Bill 267 permits adoption of amendments to the Rules from time to time; and

WHEREAS, the Riverton City Council is required to provide its advice and consent to the appointment of persons nominated by the Mayor to fill key administrative employment positions in Riverton City, and the Council may also be asked to provide its advice and consent to the appointment of administrative positions where doing so is not required by law; and

WHEREAS, the Riverton City Council finds and determines that it is in need of guidelines which should be observed before the Council decides whether to provide its advice and consent to the appointment of an employment position; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of Riverton City as follows:

1. **Adoption.** The amendment to the Riverton City Council Rules of Order and Procedure adding guidelines by which the Riverton City Council will consider granting its advice and consent to the appointment of administrative positions is hereby approved and adopted by the City Council as set forth in Exhibit A of this Resolution. The City Recorder is authorized to amend the formatting, pagination, and table of contents in a manner consistent with this amendment.
2. **Effective Date.** This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED by the City Council of Riverton, Utah, on this 18th day of August, 2015, by the following vote:

	YES	NO	ABSTAIN	ABSENT
Council Member Brent Johnson	_____	_____	_____	_____
Council Member Trent Staggs	_____	_____	_____	_____
Council Member Sheldon Stewart	_____	_____	_____	_____
Council Member Tricia Tingey	_____	_____	_____	_____
Council Member Paul Wayman	_____	_____	_____	_____

RIVERTON CITY

[SEAL]

ATTEST:

Bill Applegarth, Mayor

Virginia Loader, MMC
Recorder

EXHIBIT A



RIVERTON CITY COUNCIL RULES OF ORDER AND PROCEDURE

Style Definition: Heading 2: Indent: Left: 0", Hanging: 0.5"

**Riverton City Council
Rules of Order and Procedure**

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**Riverton City Council
Rules of Order and Procedure**

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Riverton City Council
Rules of Order and Procedure

PART 1 COUNCIL ASPIRATIONAL VALUES AND GOALS

1.1 Council Values Governing Its Decision-Making Process

1. **Leadership Values.** The City Council declares that it is committed to employing core values in the City's decision-making process and operational activities. It is intended that these values will be reflected in actions among Council Members and City staff and include the following:
 - a. City Team Leadership. Each Council will be committed to the success of the City and to providing responsible, efficient, and cost-effective governance and services to the public. They will do so by cooperatively making informed choices in establishing the municipal budget and in setting public policy.
 - b. Mutual Respect. Individuals in the City's Legislative and Administrative branches of government will care about and have respect for each other, as persons. Notwithstanding differences of opinion, each City official is expected to be cognizant of and have respect for staff and citizens. All shall be treated with courtesy. Thus, each Council Member and the City Manager are expected to:
 - i. refrain from making threats or uttering disparaging personal remarks in public meetings, to the news media or at other times, even when provoked;
 - ii. show courtesy by addressing problems directly with the Council Member involved, before taking the matter to the Council as-a-whole or uttering public statements;
 - iii. seriously consider each comment or concern that comes before the Council and follow the Council Rules, Policy and Procedures, in good faith, so they can be addressed in a fair, open and timely fashion;
 - iv. retain and use a sense of humor appropriately, but not over use it;
 - v. focus attention on what can be accomplished and constructively work to build the community and individuals;
 - vi. respect the City's Administrative procedures and chains-of-command, including addressing problems related to Administrative Department heads and staff directly with the City Manager or (alternatively) to the Council as-a-whole, when appropriate; and
 - vii. work to resolve differences between individual Council Members and others with tact and sensitivity, recognizing the value of individuals and treating each person with respect.

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- c. Responsive Governance. The Council believes that the best government is one that is close to the people, is responsive to their needs, and acknowledges that it is accountable to the electorate.
- d. Innovation, Ethics and Efficiency. The City's objective at all times is to take courageous and pro-active action to: a) stay on the leading edge of technology and management theory; and b) be a well-run, efficiently managed and an innovative City, where policies and decisions are undertaken in a fiscally sound and ethically responsible manner.

1.2 City Council Goals

1. **Goals.** City government aspires to be efficient and accessible to the public it serves. It seeks to do so, among other means, by employing the following principles:
 - a. Accessible Government. The City's goal is to promote government accessibility to all citizens, in all its proceedings, by openness and transparent public processing, including: a) encouraging interaction with elected officials and Administrative staff in a logical and effective manner; b) promoting quantifiable analysis and accounting of government performance for public view; c) promoting electronic communications to enhance the public's ability to participate in and observe government processes; and d) encouraging citizens and interested parties to exercise their right to petition their government for redress or change, and providing appropriate avenues for them to be heard and have their views considered, impartially.
 - b. Effective Government. The City's goal is to be innovative in achieving effectiveness and efficiency in all its operations by: a) making it a City standard to be pro-active in identifying and resolving problems; b) rendering reason-based decisions and employing professional advice, citizen input, and using verifiable information; and c) funding and encouraging active participation in training for staff, elected and appointed officials.
 - c. Cooperative Government. The City's goal is to be a State leader and advance good government and public service through cooperative interactions with others, including: a) providing leadership and service in regional, state, and national programs, councils, organizations and meetings; b) fostering positive relationships between the City, business, government and other service oriented entities, whose function is to improve economic conditions and the quality of life in the City; and c) receiving and soliciting citizen participation in the City's decision-making and advisory committee process.
 - d. Responsible Government. The City's goal is to provide necessary public services, but be frugal with public resources. The City will seek to be supportive and pro-active with City boards and committees and to function with the highest ethical standards by: a) being fiscally conservative in the expenditure of taxpayer resources; b) acting and requiring the highest standards of ethical conduct, at all levels of City government; c) establishing high standards of accountability and employee performance, which includes exposing and correcting unproductive or inappropriate activities at all levels of City government; and d) meeting with the Planning Commission, General Plan Committee, Board of Adjustment

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and other City committees to discuss the Council's vision and purpose, together with receiving reports regarding the needs, accomplishments and goals of that reporting body.

PART 2 COUNCIL INTERNAL POLICIES

2.1 Meals/Refreshments at City Council Meetings

1. **Meals and Refreshments.** The Council may provide meals and/or refreshments for the City Council Members and staff during Council meetings, City Council Retreats, annual City Council/Manager Strategic Planning sessions, meetings with dignitaries for City business related purposes, or similar events. To do so, the Mayor shall request the City Manager to make appropriate arrangements, provided that appropriated funds are available for that purpose.
2. **Funding.** Refreshments will be purchased only for the functions listed above, and will be purchased within appropriated funding levels, in the most cost effective manner possible.
3. **Staff.** As a courtesy, food at Council meetings may also be provided for Department Heads, the City Attorney and the Police Department security. If additional food is available, others may be invited by the Council to receive food/refreshments.
4. **Use of Surplus.** If the City Manager wishes to have the Council authorize extra food for others in an emergency or for special occasions, he/she may make said request of the City Council provided that the expenditure has a bona fide public purpose and appropriated funds are available.

2.2 Council Office Travel

1. **Conferences/Conventions.** Any or all Council Members may travel to conferences and conventions related to City business.
2. **Budgeting.** The Council currently budgets for travel by asking each Council Member, at the beginning of the budget formulation process, which conferences/activities he/she desires to attend. Based on this information, the City Manager will prepare cost estimates for inclusion in the Council Office travel budget.
3. **Council Approval Required; City Manager Duties.** When a Council Member expresses interest in traveling to a conference, convention or seminar, the City Manager will notify the council of a proposal by a Council Member to travel. If the Council is opposed to the proposed travel or if appropriated funds are not available, the trip will not be scheduled. If approved, the City Manager will arrange for the travel.

2.3 Filling a Vacancy on the City Council

1. **Duty to Fill Vacancy within 30 Days.** Whenever a vacancy occurs on the Council, either through death, resignation or removal (either during a term or as a Council Member or Mayor-elect), the vacancy will be filled by the Council within thirty (30) days, to hold the position until the next municipal election as provided in State law. It is also the policy of the City

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Council to make known the procedures outlined below to all those interested in applying for appointment to the Council.

2. **Minimum Requirements for Appointment.** All applicants must meet the requirements for qualification for public office, as specified in State law and City ordinance. All applications will be screened by the City Manager, prior to submittal of their name to the City Council to assure each applicant meets the minimum legal qualifications, employing the following criteria:
 - a. Each applicant must have resided in the City for at least twelve (12) consecutive months and be a current resident of the voting District in which the vacancy occurred;
 - b. Each must have no other compensated employment with Riverton City. If they do have other compensated employment with the City, the applicant must sign a commitment to resign the employment upon appointment to the City Council; and
 - c. Each must be a registered voter and an elector in Riverton City.
3. **Public Notice.** Within one week of the vacancy, the City Manager shall give public notice of the vacancy by causing such notice to be published at least one time in The Salt Lake Tribune and the Deseret News. Such notice shall: (i) identify the date, time and place of the meeting where the vacancy will be filled; (ii) request resumes and/or letters of interest and qualification (hereafter referred to as "application") from residents of the affected voting District, who are interested in being appointed to fill the vacancy; (iii) state the date of the vacancy and identify the last day the applications must be submitted; and (iv) state that applications must be submitted to the City Manager. Such notice shall be given at least 14 calendar days before the Council meets to make its final selection of the person to fill the vacant Council seat. The deadline for receipt of applications will be no less than 14 calendar days following the vacancy.
4. **Applicants.** The City Council requests the following be submitted to the City Manager, as the minimum information necessary in an application:
 - a. Name
 - b. Street address
 - c. Phone number(s)
 - d. Occupation (optional - for press information)
 - e. Declaration of meeting the minimum qualifications for appointment
5. **Distribution to Council.** On the first working day following the application deadline, copies of the qualifying applications, along with all related letters of recommendation received to that date, will be distributed to the Council Members.
6. **Meetings.** During the week following distribution of applicant information, Council Members will hold one or more informal meetings to become better acquainted with the applicants and to allow applicants to ask questions pertaining to the role of Council Member. As these meetings are for informal exposure only, no formal interviewing will take place at these

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meetings. However, all such meetings will be noticed and held in compliance with the Utah Open and Public Meetings Act.

7. **Executive Session.** Immediately following the informational meetings, the Council will meet in Executive Session to consider the field of applicants. During this meeting, Council Members may candidly discuss the candidates, sharing their personal reactions and feelings about any aspect, positive or negative, of the candidates' qualifications and ability to perform. The discussion shall continue until Council Members have had an opportunity to voice anything they wish to say about any candidate.
8. **Open Meeting Interview.** The City Manager, on behalf of the City Council, shall notify the applicants of the date, time and place of their interview, which will occur in an open meeting. However, if the Council desires to question any applicant regarding his or her character, professional competence, or physical or mental health, the Council may, in its discretion, ask such questions of the applicant in an Executive Session, held consistent with the Utah Open and Public Meetings Act.
9. **Formal Vote on Selection.** The City Manager, on behalf of the City Council, shall inform the applicants of the date, time, and place the vote will take place for final selection of the person to fill the vacant Council seat. This selection date may be the same day as the open interview date, above provided. This election date shall be during a regular Council meeting or in a special Council meeting called in order to meet the thirty-day deadline imposed by State law. The Council decision shall be by a majority vote and the selected person shall be sworn in by the City Recorder. If no applicant receives a majority vote of the Council at this meeting, the vacancy shall be filled by lot between the two (2) applicants receiving the highest number of votes, which action shall be taken in an open meeting and in the presence of the Council.
10. **Public Information.** All written information and letters of recommendations concerning applicants for appointment will be made available to the press and the general public, in an attempt to facilitate public input prior to the final selection. In addition, the City Manager will prepare a list of applicant names, phone numbers, and occupations following the deadline for filing applications and a list of the finalists will be made available, as soon as possible after their selection.
11. **Council Member Conflict and Voting Disqualification.** A sitting Member of the Council may not participate in any part of the process established by this section to fill a vacancy, if that Member is being considered for appointment to fill the vacancy.

2.4 **Mayor as Presiding Officer; Election of Mayor Pro-Tem**

1. **Presiding Officers.** The Mayor shall be the presiding officer and chairperson of the Riverton City Council and of all meetings thereof. In the Mayor's absence, the Mayor Pro-Tem shall preside. In the absence of the Mayor and the Mayor Pro-Tem, the City Council Member with the longest tenure on the Council shall preside; however, if more than one Council Member has identical amount of tenure, those Council Members will flip a coin to determine who will be the temporary presiding official.

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2. **Election of Mayor Pro-Tem.** At its first regular meeting in January of each calendar year, City Council Members shall nominate and, by majority vote, select one of its members to serve as Mayor Pro-Tem. The Mayor Pro-Tem shall serve from the election until a successor is duly elected. In the event of a vacancy in the position of Mayor Pro-Tem, the vacancy will be filled by an election as above prescribed.
3. **Eligibility.** All Council Members who will be in office during the subject year shall be eligible to serve as the Mayor Pro-Tem, with the exception of the Member who is serving as Mayor Pro-Tem at the time of election.

2.5 Legislative Action Items

1. **Council Initiatives.** Council Members may initiate legislation, rather than simply reacting to proposals from the Administration. This policy includes land-use and zoning issues; however, these matters usually require review or a factual development and recommendation by the Administration and the Planning Commission.
2. **Process of Development and Full Council Vote Required.** An individual Council Member who wishes to initiate legislation is encouraged to talk to the City Manager about the goal of the contemplated legislation and how the Council Member would like to achieve that objective. The City Manager will see that an appropriate Legislative Action Item (such as, an ordinance or resolution) is prepared and put on the Council's agenda, as expeditiously as possible.

2.6 Participation on City Boards and Commissions

1. **Service Limited to Ex-Officio Capacity.** Council Members shall not serve on any City appointed boards or commissions, except in an ex-officio capacity.
2. **Non-City Committee Service.** Council Members are free to participate on non-City appointed boards; however, where those organizations interact with City government on a policy, procedural, or financial basis, the following conditions apply:
 - a. Each Council Member shall submit, in writing, to the City Council a list of all non-City appointed boards on which that Council Member sits, where the organization interacts on any policy, procedural, or financial basis with Riverton City.
 - b. When issues arise before the Council that directly or indirectly affect an organization on whose board a Council Member sits, that Council Member will declare a conflict-of-interest and abstain from both the debate and the vote.

2.7 City or Council Photography for Official Purposes and Newsletters

1. **Official Photograph.** An official photograph shall be taken when a Council Member is elected to office. The photographs are for official use and are to be used throughout the Council Member's term of office.
2. **Private Use.** If a Council Member wishes to use his/her photograph(s) for personal purposes, he/she must purchase any such photo(s) directly from the photographer. The City Council

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may not order or purchase any photographs on behalf of a Council Member for that Council Members' personal use.

2.8 News Media

1. **Mayor as Spokesperson.** The Mayor or a designee of the Mayor is the official spokesperson for the City Council on items the Council has voted upon. As such, the Mayor is responsible for representing the Council to the news media. The Mayor and individual Council Members may meet with media representatives or media editorial boards. When doing so, they shall make it clear that the opinions presented are their own; indicate they are speaking on their own behalf, rather than on behalf of the full Council; and be careful to say "I" versus "we" when stating opinions. Press releases are a common form of communication with the media.
2. **City Manager Prepare Press Releases.** It is appropriate for City Manager, on behalf of Council, to prepare press releases:
 - a. Quoting the Mayor on issues relating to the City Council, as a group, or providing general information regarding public hearings or other public meetings that the City Council will hold.
 - b. Announcing, for a Council Member, a public event/meeting occurring in a Council Member's district. It is also appropriate for the Council Member to either announce such a district event or request the City Manger to do so.
 - c. Announcing for a Council Member who serves on a special committee (such as the National League of Cities and Towns), the committee's findings or activities. However, the press release cannot be contrary to the official position held by the City Council, as a group, and cannot represent the entire City Council.
3. **Inappropriate Political Releases.** It is not appropriate for individual Council Members to prepare official Council press releases regarding a Council Member's campaign, events relating to a campaign, or for any reelection purposes.
4. **Press Contacts.** When a representative of the media contacts the Council to request an interview with the Mayor or a Council Member on an issue that relates to the entire Council, the following will apply:
 - a. The interview request shall be directed to the Mayor.
 - b. If the Mayor is not available for the interview, the request shall be referred to the Mayor Pro-Tem.
 - c. If the Mayor or the Mayor Pro-Tem is not available, the request is then referred to the next senior Council Member, as designated in B.7, above.
 - d. If a Council Member, other than the Mayor or Mayor Pro-Tem, agrees to the media's interview request, that Council Member must clarify that he/she is not speaking on behalf

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of the entire Council; rather, the opinions/views stated are only that of the individual Council Member.

2.9 Working on Issues Outside Own Council District

Due to Council Members' roles as elected officials, constituents commonly contact Council Members to request their assistance in resolving issues and problems. There are instances when constituents contact a Council Member for assistance on an issue outside the Council Member's council district or because the Council Member is elected "at large." When a Council Member (either elected from a district or those elected "at large") is asked to assist a constituent on an issue outside that Council Member's district, the Council Member may refer the constituent to the Council Member who represents the constituent or choose to assist the constituent and give a courtesy notification to the Council Member in whose district the issue relates, as soon as is reasonably possible.

2.10 Transition for Council Office Following Municipal Elections

1. **Transition Period.** There is a period of approximately eight weeks from the November elections until the first of January, when Council Members begin serving their term of office. This period is considered a transition phase for the Council and the City Manager. In order to avoid confusion regarding the roles of Council Members, the following policy shall apply:
 - a. Meeting Executive Staff. Council Member(s)-Elect are encouraged to meet with officials in the Administration prior to taking the oath of office, if they so desire. Upon request, the City Manager will make arrangements for convenient meeting times.
 - b. Agenda Packets. When preparing agenda packets for regular Council meetings and Work Sessions, the City Manager will prepare an agenda packet for Council Members and Council Member(s)-Elect. Agenda packets for regular Council meetings will be delivered to the Council Members city mail delivery box office and delivered to the homes of the Council Member(s)-Elect not later than Friday afternoon preceding the scheduled Council meeting.
 - c. Mail and Miscellaneous Notices. The City Manager will provide Council Member(s)-Elect with copies of routine mail and other material that is sent to all Council Members.
 - d. Surrendering City Property. Council Member(s) leaving office will deliver any City-owned equipment to the City Manager no later than noon on the day of the Induction Ceremony. City-owned property will include, but is not be limited to, laptop computers, printers, software, cell phones, office keys, desk keys, and official City identification.

2.11 Council Retreat

1. **Retreat to Consider Policy/Planning.** At the discretion of the Council, the City Manager may schedule a Strategic retreat each year. This annual retreat of the City Council may occur in January with Council Members, Administrative staff and other personnel, as needed, to discuss policy, annual planning, City's budget and other issues of mutual interest and concern.

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2.12 Filing Fees

Council Members will not sponsor legislative action items or petitions directing the Administration to allow citizens to avoid paying a required filing, building or permit fees. City ordinances govern such matters and cannot be waived, unless the ordinance provides a lawful process for exempting payment.

2.13 Service of Legal Documents

The Mayor and each Council Member will refer service of all legal documents to the City Attorney's Office.

PART 3 COUNCIL MEETINGS

3.1 Attendance of Members

1. **Meeting Attendance Required.** The attendance of Council Members at regularly scheduled Council meetings is encouraged, acknowledging that absences will occasionally occur as a result of unavoidable circumstances. Anticipated absences shall be communicated to the Mayor or Mayor Pro-tem as soon as it is known when Council Members will be unable to attend. If a Council Member anticipates being absent for two or more consecutive regular Council meetings, the Council Member shall so advise the City Manager, who shall advise the attending Council Members at the next regularly scheduled Council meeting.
2. **Penalty for Non-Attendance.** If any Council Member is absent for more than four regularly scheduled Council meetings, in a year's time, \$100.00 shall be deducted from his/her paycheck for each meeting missed beginning with the fourth absence. An absence that is the result of official City business will not be counted under this rule.

3.2 City Council Meeting Schedule

1. **Regular Meetings.** The City Council holds at least one regular Council meeting per month to approve City business items. Such regular meetings will typically be held on the first, Tuesday of the month. In addition to regular Council meetings, work session meetings may be held during the third Tuesday of the month. Typically, City business items will not be presented to the City Council for approval during work session meetings, unless a special need arises to consider a business item for approval before a business meeting may convene, and the City Recorder has properly disclosed that a business item will be considered for approval by the City Council, in compliance with the Utah Open Public Meetings Act.
2. **Special/Emergency Meetings.** Special or emergency meetings may be called by the Mayor or other member of the City Council, as provided by the Utah Open Public Meetings Act.
3. **Notice.** The City Recorder shall be responsible for posting agendas and providing notice of all Council meetings, as provided by Utah law.

3.3 Council Meeting Agendas and Paperwork

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1. **Regular Council Meeting Agendas.** Items may be placed on Council agendas by the City Manager, the Mayor or individual Council Members. Requests will be made by:
 - a. Submittal to Recorder. Requests to be placed on an agenda and supporting documents should be delivered to the City Recorder for a regular Tuesday Council meeting, no later than 5:00 p.m. on the preceding Wednesday Tuesday.
 - b. Supporting Materials for Agenda Item. All items submitted for Council action, on a regular Council meeting agenda, should include the following:
 - i. Issue Paper. A written report that outlines the subject matter, fiscal impact and recommendation in a form approved by the City Manager for matters requiring approval by majority vote of the Council.
 - ii. City Attorney Approvals. Many documents require the City Attorney's approval "as to form" before they can be executed. Such documents include Interlocal Cooperation Agreements and contracts. It is, also, the preference of the Council to have attorney approval on all other documents before formal Council approval, including Ordinances, Resolutions, budget documents and the like. Except for good cause shown, all such documents will be approved "as to legal form" by the City Attorney, prior to being placed on a Council agenda
 - iii. Supporting Documents. All background material appropriate to an agenda item should be included with the request to have a matter placed on the Council agenda.
 - c. Consent Items on Council Agenda. If the agenda item is routine and likely non-controversial, it will be placed on the formal Council meeting "consent" line, for action at the soonest possible date. These items are only of a routine or ongoing nature. Consent agenda items shall include, but are not limited to: Resolutions for appointments and reappointments to City boards; Resolutions for appointment of administrative executive-level employees; Resolutions authorizing signature of non-controversial agreements, and other non-controversial items requiring a majority vote of the Council. If a Council Member has a question concerning a counsel calendar item, they should talk to the City Manager prior to the meeting, if practical, rather than have the item pulled for discussion during the meeting.
 - d. Business Items on Council Agenda. If agenda items are not routine, the item will be placed on the formal Council meeting "business" category in the agenda. The City Manager shall determine which items are to appear as business items. When non-routine agenda items appear to be of a controversial or politically sensitive nature, the City Manager will discuss the items with the Mayor before the item is scheduled for a Council agenda.
 - e. Citizen Comments. Each regularly scheduled Council meeting will contain an agenda schedule for citizen comments. Any person desiring to address the Council will be permitted to speak, subject to legal constraints and the other applicable provisions of these rules, including but not limited to C.9.

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3.4 Resolutions of Support, Appreciation, or Recognition

1. **Resolutions.** Resolutions of support, appreciation or recognition are placed on the Council agenda at the request of the City Manager, the Mayor or one or more Council Member.
2. **Council Members Requests.** If a Council Member wishes to have a resolution placed on the Council agenda, the procedure will be as follows:
 - a. The City Recorder will coordinate preparation of the resolution;
 - b. If the City Manager views the subject of the resolution to be controversial, the City Recorder will make the other Council Members aware, in advance, that the item is going to be placed on the agenda;
 - c. If the resolution appears to be routine or facially non-controversial, it will be prepared and placed on the agenda, without advance notification to other Council Members. As with all other agenda items, a copy of the resolution and background information will be included in the agenda packet that is delivered to Council Members, in advance of regular Council meetings.
 - d. The City Manager will make the arrangements for appropriate City staff to be in attendance at the meeting to address the resolution that will be presented, if requested by the sponsoring Council Member.
3. **Non-City Requests.** If a non-City organization contacts the City Manager/City Recorder and requests that a resolution be placed on the Council agenda, the City Manager will consider the matter. If the City Manager deems the matter controversial or not appropriate for his/her sole action, the requestor will be advised to get the Mayor or a Council Member sponsor.
4. **Employee/Department Recognition.** When a proposed resolution is intended to recognize a City employee, department or division for achievement, the City Manager will draft a letter to be signed by the Mayor and Council Members congratulating the employee, department or division, or (as appropriate) cause time on the Council's agenda to permit the Mayor, on behalf of the Council Members, to present or announce the award during a Council meeting.

3.5 Public Hearings and Notification

1. **Policy Statement.** The Riverton City Council encourages input from the public on major issues, particularly those involving funding, budgeting and major policy initiatives. To facilitate that citizen participation, the Council favors holding public hearing, after appropriate published notification, of City residents, particularly those impacted by the pending Council action.
2. **Mandatory Hearings.** Statutory law requires public hearings on some matters, even when some may view this process as unnecessary, expensive or merely imposing an unreasonable delay. These mandatory hearings include:

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- a. Annexations.
 - i. Adoption of Policy of Declaration. Unless State law is changed, the City Council must hold a public hearing concerning a proposed annexation. The Council will officially set the date in a regular Council meeting, allowing for sufficient time ahead of the meeting date to enable the City Recorder to publish adequate notices required under Utah law, and adopt a resolution of annexation at that time.
 - ii. Adoption of Annexation Ordinance. Following the public hearing, the Council may adopt a motion, conceptually approving the annexation. After conceptual approval, state statute requires a five-day waiting period for the filing of any protests. The Council may adopt the official annexation ordinance after the five-day waiting period. Normally this ordinance is scheduled on the Consent agenda of the Council's next formal meeting. The territory is annexed when the ordinance is adopted.
- b. Disconnections. Before citizens can disconnect their property from a municipality, the City Council must hold a public hearing and receive public comment. Notice of this hearing must be published in accordance with Utah law prior to convening the meeting.
- c. Special Improvement Districts.
 - i. Protest Hearing. The Council must adopt a resolution declaring its intent to create a Special Improvement District which identifies the boundaries of the district and the work to be performed. Following adoption of the resolution, advertisement of the Council's intent to create the district and the time and date of the protest hearing must be published in compliance with Utah law
 - ii. Notice of Intention. Additionally, a copy of the Notice of Intention and a notification of the protest hearing must be mailed to each property owner to be assessed within the Special Improvement District, prior to the protest hearing. Following the protest hearing, the Council may adopt a resolution creating the District.
- d. Street/Alley Narrowing/Vacating/Closure/Name Change. Prior to taking action on a proposal affecting the public right-of-way, the Council must hold a public hearing. Advertisement of the hearing concerning the proposed action must occur once a week for four consecutive weeks, prior to the hearing. A notice of the proposed action must be mailed to the owners of record for all land abutting the affected street or alley.
- e. Zoning Changes. Following receipt of the recommendation of the Planning Commission concerning the proposed zoning change or change to the requirements in the City's zoning ordinance, a public hearing will be set by the City Recorder. Advertisement of the hearing must occur one time, at least 10 days prior to the hearing, unless a greater advance notification period is required by ordinance. The City Recorder will mail notices to affected property owners within 300 feet of the proposed rezone.
- f. General Plan Creation and Amendment. The Municipal Land Use and Development Act requires that City Councils adopt a General Plan. From time to time, the City Council may

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amend the General Plan. For both the adoption and amendment of the General Plan, the Act requires that the City Council hold a public hearing and provide notice of that hearing, at least 10 days prior to the day the hearing is held, unless a greater advance notification period is required by ordinance.

- g. Subdivision Ordinance Amendment. The City's Subdivision Ordinance, which governs the requirements for how subdivisions are platted and constructed, will be amended as the City develops. Before the City Council can amend the Subdivision Ordinance, they shall hold a public hearing and publish notice of that hearing ten days prior to the day it is held, unless a greater advance notification period is required by ordinance.
- h. Budgets. In accordance with the State Uniform Fiscal Procedures Act for Utah Cities, the City Council shall adopt a budget. Prior to adopting the budget, the Council must adopt a "Tentative Budget" following a public hearing. Notice of this public hearing must be published in a newspaper of general circulation, at least seven days prior to the date of the hearing. In addition, at any time during the budget year the City Council may vote to increase one or more of the funds listed in the Fiscal Procedure Act, including capital improvement, general, special revenue and debt service funds. Before the City Council may increase any of these funds, they must first hold a public hearing with notice provided as described above.

3.6 Closed Meetings

- 1. **Open and Closed Meeting Standards.** Utah Law requires that every meeting of a legislative body remain open to the public unless it is lawfully closed. However, §52-4-204, of the Utah Code provides that a closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body, provided that a quorum is present. No ordinance, resolution, rule, regulation, contract, or appointment can be approved at a closed meeting. The reason(s) for holding a closed meeting and the vote, either for or against the proposition to hold such a meeting, must be cast by each Council Member, by name, and the vote shall be entered in the minutes of the meeting. Utah law allows a closed meeting to be held for any of the following purposes:
 - a. Discussion of the character, professional competence, or physical or mental health of an individual; however, the Council may not interview a person to fill an elected position in a closed meeting; provided, however that A public body may not interview a person applying to fill an elected position in a closed meeting;
 - b. strategy sessions to discuss collective bargaining;
 - c. strategy sessions to discuss pending or reasonably imminent litigation; or
 - d. strategy sessions to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;

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- e. strategy sessions to discuss the sale of real property when:
 - i. public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;
 - ii. the public body had previously given public notice that the property would be offered for sale; and
 - iii. the terms of the sale are publicly disclosed before the public body approves the sale;
 - f. discussion regarding deployment of security personnel, devices, or systems; and
 - g. investigative proceedings regarding allegations of criminal misconduct.
2. **Records or Minutes Required.** Section §52-4-206 of the Utah Code, defines the record of closed meetings and how they must be kept. This section states that if a public body closes a meeting to discuss the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices, or systems, the person presiding must sign a sworn statement affirming that the meeting was closed for one of these sole purposes. If a public body closes a meeting for any other purpose, the public body shall either tape record the closed portion of the meeting or keep detailed written minutes that disclose the content of the closed portion of the meeting.
3. **Confidentiality Required.** It is imperative that all closed meeting discussions remain completely confidential. No Council Member shall disclose confidential information acquired by reason of the officer's official position or use such information for the officer's or another's private gain or benefit. Any person violating this duty of non-disclosure may be subject to criminal sanctions.
4. **Notice.** Notice of a closed meeting must be in an Council agenda, dully posted and publicized. This notice must, usually, be given 24 hours before a scheduled meeting. However, emergency meetings, including closed meetings, may be held as provided and controlled by §52-4-202 of the Utah Code.

3.7 **Electronic Council Meetings**

1. **Conditions; Elements.** Utah law authorizes the City Council to hold meetings electronically. The law defines an electronic meeting as a public meeting convened or conducted by means of a telephonic, telecommunications or computer conference. In order to participate, members of the Council must have the ability to communicate with all other members, either verbally or electronically, so that each Council Member can hear or see the communication. Public hearings are also allowed, as part of the electronic meeting. However, as with any public meeting, electronic meetings must be properly noticed in compliance with the Open Meetings Act.

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2. **Limitations.** For those instances, when the Council elects to hold an electronic meeting:
 - a. the meeting will be held with a quorum (3 members) physically present at the same physical location;
 - b. the meeting will be called only for a declared City emergency, to accommodate Council Members who are traveling outside the City on official City business, or other unique circumstances that make such a meeting in the public interest;
 - c. the meeting will be held within Riverton City Hall, or at the Emergency Operations Center of the Fire Station of the Unified Fire Authority, if necessary and at a facility that allows the public to attend, monitor and participate in open portions of the meeting;
 - d. audio equipment will be used so that comments of each Council Member participating electronically will be audible to those attending the meeting; and
 - e. reasonable but diligent efforts shall be made to notify and accommodate Council Members who are traveling outside the City on official City business so that they can participate in such a meeting, if they desire to do so.

3.8 Citizen Comments at Council Meetings

1. **Citizen Comment.** During the citizen comment portion of Council meetings, members of the audience will be permitted to address the Council concerning any matter, if it pertains to City business or a matter over which the Council has jurisdiction, time permitting. However, if the matter to be discussed is the subject of a public hearing, the citizen will be required to speak when that hearing is conducted and public comments presented. Audience members addressing the Council and/or Mayor will be called forward to the podium by the presiding officer of the Council meeting. Each speaker is required to speak into the microphone at the podium, clearly state their name and indicate if they are a resident of Riverton City. The Council will allow three (3) minutes to address the Council, unless the Council, allocates more time in a content-neutral and uniform manner.
2. **At the beginning of the formal Council meeting, those wishing to comment will be called forward to the podium.** The presiding officer may take a poll of those wishing to speak for or against an issue, in determining how many individuals or spokespersons to accommodate. When groups are going to speak to the same issue, the presiding officer will request a spokesperson(s) to represent that position as an aid and to facilitate the efficient and effective use of the limited time available at the meeting. The order of presentations shall be at the sole discretion of the presiding officer; however, the presiding officer should give preference to those persons who have requested in writing, before the commencement of the meeting, to be heard or on the agenda. At that time, the Council may direct the City Manager to assist the citizen on the issue, which could include future formal action by the Council. Citizens may also supplement their comments by providing documents or supplement their oral statements by filing written comments.

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3. **Address and Phone Numbers.** In order to permit follow-up by City staff, each person addressing the Council will be requested to provide their address; however, that person or the presiding officer may elect to have their information given only to the City, in writing, and on a card provided by the City Recorder, if privacy or security is a concern.
4. **Written Supplementary Information.** Due to the limitation on the time available for an oral presentation, any person wishing to communicate is encouraged to submit any written materials or comments to the Council by submitting them through the City Recorder, either before or at the time of the meeting he or she participates in.

3.9 **Communication Devices**

1. **Duty to Disengage Electronic Equipment.** Persons attending Council meeting are to refrain from using and shall turn off audible features of cellular telephones, audible pagers or other communication devices, while meetings are in session.
2. **Removal for Violation.** A person who violates these provisions is disorderly and may be evicted from the meeting upon a two-thirds majority vote of the Council, pursuant to §10-3-608 of the Utah Code.

3.10 **Council Subcommittees**

The Council may choose to create Council Subcommittees for certain issues. Council Subcommittees are comprised of up to three Council Members, with the City Manager providing support services. Subcommittees are created to facilitate discussion, draft proposed policies and make recommendations to the full Council for its consideration.

3.11 **Removal of Disorderly Persons**

Persons who exceed the time or are otherwise disorderly may be expelled by the Council upon a two-thirds majority vote, as provided in §10-3-608 of the Utah Code. However, nothing herein shall limit or preclude a person from being arrested, cited or otherwise subject to police action for a violation of other applicable law.

3.12 **General Procedures**

1. **Modified Roberts Rules.** Roberts Rules were developed for large-scale legislative bodies. A scaled-down and modified version is more appropriate for a City Council comprised of seven members. Thus, the Council adopts a simplified parliamentary procedures, as follows:
2. **Presiding Officer.** The Mayor is the Presiding Officer and acts as Chair at Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro-Tempore serves as presiding officer.
3. **Seating.** The Mayor Pro-Tempore is seated immediately next to the Mayor. The Mayor, with the approval of individual Council Members, shall establish other seating arrangements for regular Council meetings.

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4. **Signing Documents.** The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature. However, the Council may delegate to the City Manager or specific Department Heads the authority to sign documents and contracts, by separate resolution or motion. In the event that the Mayor is unavailable, the Mayor Pro-Tempura's signature may be used.

5. **Discussion Rules.** To assist the City Council in conducting meetings in an orderly manner, the following structure and rules for the orderly discussion of items are adopted:
 - a. Obtaining the floor. A member of the City Council shall first address the Mayor and gain recognition. Comments and questions should be limited to the issue before the Council. Cross-exchange between Council Members and public should be avoided.

 - b. Questions to Staff. A Council Member may, after recognition by the Mayor, address questions to the staff member designated to be familiar with the topic related a Council Member's question.

 - c. Interruptions. Once recognized, a Council Member should not be interrupted while speaking, except to make a point of order or personal privilege. If a Council Member is called to order while speaking, the individual shall cease speaking until the question order is determined. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.

 - d. Discussion Limit. A Council Member should not speak more than once on a particular subject, until every other Council Member has had the opportunity to speak; however, it is the prerogative of the Chair to recognize a Council Member, who has already spoken, before all other members have had the chance to speak. Council Members are encouraged to discuss items during the decision-making process.

 - e. Tabling Procedure. A motion to table a matter immediately stops discussion and causes a vote to postpone the matter indefinitely or to a time and date certain. In the event a matter is tabled to a time and date certain, no special publication of notices is required, provided the City Recorder satisfies the minimal noticing requirements of the Utah Open Public Meetings Act for the subsequent meeting wherein the tabled matter is again discussed.

 - f. Right of Protest. A Council Member may, but is never required to, state reasons for a dissenting vote.

 - g. Obligation to Maintain Order and Decorum. Each Council Member shall work to preserve appropriate order and decorum during all meetings. This objective will be advanced by: discouraging side conversations, disruptions, interruptions or delaying efforts. Also, each Council Member shall inform the Mayor when departing from a meeting.

6. **Limit Disruptive Behavior.** Persons demonstrating rude, boisterous, or profane behavior will be called to order by the Mayor. When faced with continued rude, boisterous, or

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profane behavior any member of the Council may call a recess, request a vote on removing such disorderly person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action as permitted by law.

7. **Public Demonstrations Inappropriate.** Applause, booing or other similar behavior from the public during meetings is discouraged and, if persistent, may constitute disruptive behavior or render an individual a disorderly person, subject to removal and other lawful sanctions.
8. **Values of Respect.** The City Council recognizes the importance of approaching the public's business in an environment of personal respect. The public's business should be conducted on a basis of considering policy and advancing the best interests of the community, while protecting individual rights and property. As such, Council Members should focus discussions on policy matter and avoid personal criticism. Polite and reasoned discourse should be observed, while following and observing proper rules of procedure.
9. **Enforcement of Order.** The Police Chief or his/her designee is the Sergeant-at-Arms. Any Council Member may request the Mayor to enforce the rules of protocol and move to limit or end disruptive behavior or remove disorderly persons, consistent with law.

3.13 Voting Procedures

1. **Obligation to Vote.** When present, each Council Member is to vote.
2. **How Vote Taken.** Each ordinance, resolution, and any action which would create a liability against the City, and other cases at the request of any Member of the Council, shall be acted upon by a roll call vote of each Council Member, by a "yes" or "no" vote. Every resolution or ordinance shall be in writing before the vote is taken and no ordinance, resolution or motion shall be passed or become effective, without an affirmative majority vote of the quorum, including: (1) not less than the minimum votes required by §10-3-507 Utah Code Ann., 1953 as amended or its successor provision; or (2) a super majority vote, if mandated by applicable State law.
3. **Abstention.** If a seated Council Member abstains and refuses to vote, the abstention will be counted as a "no" vote.
4. **Tie Vote.** A tie vote is equivalent to a vote that has failed
5. **General Consensus.** Matters not requiring a "roll call" vote may be acted upon by the presiding officer declaring a general consensus in his/her discretion provided there is no negative vote or objection by a Council Member. Alternatively, the presiding officer may call for a collective vote of the Council, as a yea or nay vote.
6. **Recording.** All action and votes of the Council shall be recorded by the City Recorder.

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7. **Courtesy Votes.** At times a Council Member will be absent from a meeting. At the next meeting, the absent Council Member may state on the record how he/she would have voted and briefly explain that intended vote, if that Council Member had been in attendance.
8. **Reconsideration.** Reconsideration of decided matters or issues is discouraged; however, requests will be considered by majority vote, if orally made. A motion for reconsideration must be made: (1) by a member of the prevailing majority, when the previous vote was taken; and (2) within two regular meetings following the previous council vote, unless a majority of the Council determines that significant new information has arisen which warrants such reevaluation. If a member is absent from the meeting, a motion for reconsideration may be entertained on the first regular meeting of his/her return.
9. **Conflicts of Interest.** If a Council Member has a conflict of interest under State or City law, that Council Member shall declare that conflict and excuse him/herself from the dais. The conflicted Council Member shall not lobby, vote or address the matter with Council Members or staff.

3.14 Appeal of Land-use Decisions to the City Council

1. **The Riverton Municipal Code provides for appeals to be made to the City Council.** This Rule sets forth the manner and procedure for these appeals, and is subject to the provisions of the Riverton Municipal Code
 - a. **Agenda.** All appeals to the City Council shall be placed on the City Council agenda pursuant to Rule 4 of these Rules.
 - b. **Record.** Appeals to the City Council shall be based upon the record of the decision from which the appeal is being taken. The record shall consist of (1) only those documents and exhibits submitted to the decision making body, or individual, whose decision is being appealed, at or before the meeting giving rise to the appeal, and (2) any written decision, findings of fact, conclusions of law, and all other documents relating to the decision being appealed. The record shall also include the minutes and transcripts of that same meeting.
 - i. **Supplemental Documentation.** Upon petition of the Appellant, and for good cause shown, the City Council may allow the Appellant to supplement the record within the time set forth in Section 10.3.2 below. City Staff shall also be allowed to respond to any supplemental documentation submitted by the Appellant within the time limits set forth below.
2. **Time Limits.** Unless otherwise required by ordinance or statute, Appeals to the City Council shall be made within 15 calendar days after the date of the decision which is being appealed. The end of the 15th day is at 5:00 p.m. If the 15th day falls on a weekend or holiday, the Notice of Appeal must be filed before 5 p.m. on the next regular business day.
 - a. **Manner of Appeal.** An appeal of a decision may be made by submitting to the City Recorder a Notice of Appeal. The Notice of Appeal shall be in writing, and must include a concise summary of the decision being appealed, the legal basis for the

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appeal, and the remedy being sought by the Appellant. The Notice of Appeal shall also include a copy of the record which can be obtained from the Department from which the appeal originates. Failure to comply with the above requirements will render an appeal defective and be grounds for rejection by the City Recorder of the Appeal. No extensions of time will be granted to correct a defective appeal except for good cause shown.

- b. Time limits for Supplemental Documentation. A request to submit supplemental documentation must be included within the Notice of Appeal. The reasons for submitting supplemental documentation must be clear and cogent. The City Council will rule on the Appellant's request to submit supplemental documentation at the earliest available City Council meeting. All supplemental documentation the appellant wishes to submit shall be forwarded to the City Recorder within 5 days after the decision of the City Council granting the Appellant's request to submit the same. Following the submittal by the Appellant of supplemental documentation, the City Staff will then be allowed to respond to the supplemental documentation within 10 calendar days after the Appellant's documentation is received by the City Recorder.
3. **Hearing.** Appeals to the City Council shall be heard by the City Council at a regularly scheduled open City Council meeting. The date and time of the hearing shall be scheduled pursuant to Rule 4 of these rules and on a date and at a time convenient to the City Council, and the Appellant shall be notified of the City Council hearing date at least seven (7) days prior to the scheduled City Council hearing.

 - a. Hearing Procedure. The hearing for the appeal shall reasonably proceed as follows: the Mayor or Mayor Pro-Tem will call for the appeal to be heard and invite the Appellant to come forward and address the City Council. The Appellant will then be allowed 15 minutes to address the City Council, summarize the information contained in the record and in the supplemental documentation, if any, and make any arguments. The Appellant will not be allowed to raise new issues, or refer to new information not previously submitted to the City Council. Following the Appellants presentation, the City Staff will be allowed fifteen minutes to make a presentation. City Staff will also not be allowed to raise new issues, or refer to new information not previously submitted to the City Council. Following presentations to the City Council by the City Staff, the Appellant will have five minutes for a rebuttal presentation. This presentation shall be limited to responding to the presentations of the City Staff. The Appellant will not be allowed to raise new issues or refer to new information not previously submitted to the City Council
 - b. Voting by the Council. Following the presentations, the City Council may then discuss the appeal and ask questions of the Appellant, City Staff, and Planning Commission representative. Following any questions and answers, the Mayor will declare the hearing closed. The Mayor will then call for a motion, and the City Council may, in any lawful way: (1) move and vote to deny the appeal; (2) move and vote grant the appeal with appropriate remedies; or (3) Move and vote to take the appeal under advisement, pending a final decision. The City Council may also, with appropriate instructions regarding a final decision, direct the City Attorney to draft a written decision for consideration and approval at a later meeting of the City Council.

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4. **Decision to be Final.** All appeals decided by the City Council shall be final.

~~3.15~~

3.15 Granting Advice and Consent for Appointment of Nominees to Administrative City Positions

1. Overview. Riverton City provides municipal services through the operation of several different City department. Generally, each department operates under an Administrative Department Head who serves as the administrator for the appurtenant department. Moreover, positions such as the City Engineer, the City Treasurer and the City Recorder are required to be appointed by the Mayor, with the advice and consent of the City Council [See Utah Code Section 10-3-916]. Therefore, in all instances where a City official is to be appointed by the Mayor, and the Mayor is either required by law to obtain the advice and consent of the City Council, or otherwise solicits the advice and consent of the City Council before appointment, the following guidelines should be followed before the City Council is presented with a nominee for appointment to an Administrative City Positions.
 - a. Screening of Nominees by the Mayor. Some quantum of information should be supplied by the Mayor's office to account for the process which the Mayor used to consider persons eligible to become a nominee for the appointed position. Such information should include, at a minimum: 1) a statement describing the efforts undertaken by the City to inform interested persons that an appointed position is open for eligible candidates to submit an application for employment; and 2) the number of applicant's screened for the appointed position.
 - b. Statement of Qualifications for Mayor's Nominee. Some information should be provided which accounts generally for the professional qualifications of the nominee, and why said qualifications make the nominee suitable for the available administrative position.
 - c. Availability of Nominee for Questioning by the City Council. The Nominee must be presented to the City Council during a regularly scheduled meeting of the Council for questioning regarding the Nominee's appointment to the available position.
 - d. Adoption of a Resolution Granting Consent to Appointment. The City Council shall express its granting of consent, or withhold the same as the case may be, by adoption of a resolution to be presented to the Council at the meeting wherein the nominee is presented to the Council for consideration

PART 4 INTERACTION WITH CITY STAFF/OFFICIALS

4.1 Interaction with City Staff/Officials

1. **Overview.** City Council policy is implemented through professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties in order that City policies and programs may be implemented successfully. The City has a long tradition of positive relationships between members of the City Council and staff. To maintain these effective relationships, it is important that roles are clearly recognized.
2. **Council-Manager Form of Government.** Riverton City has created an office of the City Manager by ordinance. Basically, this structure of government reflects that it is the City Council's role to establish City policy and priorities. The Council appoints a City Manager to assist the Mayor in implementation of Council policies and undertake the administration of the organization. The City Council is to work through the City Manager in dealing with City staff.
3. **City Manager Duties.** The City Manager is appointed by the City Council to enforce its laws; to direct the daily operations of City government; to prepare and monitor the municipal budget; and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council, rather than to individual Council Members. The Manager has the sole responsibility to direct and coordinate the various departments and City staff.
4. **Council/Manager Relationship.** The employment relationship between the City Council and City Manger honors the fact that the City Manager provides executive functions and services for the City. The City Council should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more members of the City Council. Regular communication between the City Council and the City Manager is important in maintaining open communications. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters.
5. The City Council is to evaluate the City Manager on a regular basis (at least annually) to ensure that both the City Council and City Manager are in agreement about performance and goals based on mutual trust and common objections. Riverton City Councils have utilized the following areas of performance: communications; interpersonal/community relations; and ability to accomplish goals and objectives.
6. As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects and is sensitive to the political responsibility of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is the City Council. The City Manager communicates with City Council in various ways. There is a formalized approach by holding briefing meetings with individual Council Members and through "For Your Information" memorandums, and by bi-weekly City Activity Reports. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed.

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7. **City Manager Code of Ethics.** The City Manager is subject to a professional code of ethics from his/her professional association. It should be noted that this code binds the City Manager to certain practices which are designed to ensure actions are in support of the City's best interests. Violations of such standards can result in censure by the professional association.
8. **City Council/City Attorney Relationship.** The City Attorney is the legal advisor for the City as a corporate entity. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Manager, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) to keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual members of Council, but the City Council as a whole.
9. **Roles and Information Flow.** It is the responsibility of the City Manager to provide Council Members free and reasonable access to information from the City and to insure that such information is communicated completely and with candor to those making the request. To carry out this responsibility, however, Council Members must avoid intrusion into those areas which are the responsibility of the City Manager and the Administration. Individual Council Members may not intervene in Administrative decision-making, the development of recommendations, scheduling of work, and executing department priorities, without the prior knowledge and approval of the City Council as a whole. This limitation is necessary to protect Administrative staff from undue influence and pressure from individual Council Members and to allow Administrative personnel to execute priorities given by management and the Council, as a whole, without fear of reprisal.
10. **Council Roles.** Individual members of the City Council shall not attempt to pressure or influence Administrative staff decisions, recommendations, workloads, schedules, or department priorities, without the prior knowledge and formal approval of the City Council, as a whole. If a Council Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of Administrative staff, that Council Member must prevail upon the Council and to do so as a matter of Council policy.
11. **Legislative/Executive Communications.** When the information or action of interest to a Council Member is minor and will require minimal staff time, or information sought is available to the general public, the Council Member may make the request to the affected department head. However, when the information or action requested is significant, requiring considerable staff-time or deals with a sensitive issue, the Council, as a whole, will submit the request to the City Manager, in writing. In no event will requests be made by the Council or an individual Council Member to City staff, other than the City Manager, the Assistant City Manager and the City Attorney. Nevertheless, Council Members are welcome to contact the City Manager, the Assistant City Manager, the City Attorney or Department Heads or their designees to obtain information. In some cases, Department heads will have specified Division Managers, who are available to address Council Member concerns.

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12. Council Members may periodically choose to contact Department heads to discuss ideas, express concerns on behalf of constituents, request information, etc. It is acknowledged that the Department head is naturally in a somewhat difficult position in communicating with Council Members. Department heads formally report to the City Manager, yet are charged with managing their departments within resources provided by the Council. There may be circumstances where the Department head would like to say yes to the request made by a Council Member, but is unable to do so because of differing management directives from the City Manager; inadequate budget resources; applicable law; ordinance restrictions; concerns about setting a precedence (saying yes to this request would mean that the service must be provided Citywide and that is not possible within existing resources); or other reasons. In those instances, the Council agrees and understands that the Department head may request that the Council Member's request be processed through the City Manager.
13. Access to Information. Individual Council Members, as well as the Council as a whole, are permitted complete freedom of access to any public information and shall receive the full cooperation and candor of Administrative staff in being provided with any such information, without fee or other charge. Privileged, confidential or other non-public information will be requested and subject to the provisions of subparagraph "h" above.
14. Restrictions on Political Involvement by Administrative Staff. No City property or funds will be used for Council Members political campaigns or elections. For Administrative staff, the City Manager strongly discourages any involvement in a local campaign, even while on personal time, because such involvement erodes the tenet that staff are to provide an equal level of service to all members of the City Council and the public. However, the City Manager specifically prohibits any political involvement in local campaigns by department heads and Council Members will not make requests of them to participate in campaigns for election.



Issue Paper

Item No. 4

Presenter/Submitted By:		Mayor Applegarth	
Subject: Consent Agenda		Meeting Date: August 18, 2015	
		Fiscal Impact:	
		Funding Source:	
Background:			
<p>4. CONSENT AGENDA</p> <ol style="list-style-type: none"> 1. Minutes: N/A 2. Bond Releases: <ol style="list-style-type: none"> 1. Villages at Park Avenue (West) Phase 1 – 100% Warranty 2. Holy Trinity Lutheran (Landscaping) Church – 90% Performance 3. Summerwood Estates Phase 4 – 100% Warranty 3. <u>Resolution No. 15-59</u> - Approving the execution of a Stormwater Easement between Riverton City and PacifiCorp – Trace Robinson, Public Works Director 4. <u>Resolution No. 15-60</u> – Ratifying the approval of a Change Order given to England Construction to complete the Margaret Park Subdrain Project – Craig Calvert, Purchasing Manager 5. <u>Resolution No. 15-61</u> - Ratifying an emergency purchase to Widdison Turbine Service to repair the Hill Well Booster Pump - Craig Calvert, Purchasing Manager 			
Recommendation:			
Approve the Consent Agenda as listed.			
Recommended Motion:			
“I move the City Council approve the Consent Agenda as listed.”			

Item No. 4.2.1



Issue Paper

Presenter/Submitted By:	G Trace Robinson	
Subject: Warranty Bond release for VILLAGES AT PARK AVENUE (West) Phase 1	Meeting Date: 8/18/2015	
	Fiscal Impact: \$N/A	
	Funding Source: N/A	
Background: Engineering, Public Works and Water Departments have performed the necessary infrastructure inspections for the VILLAGES AT PARK AVENUE (West) Phase 1 and have found the site complete and constructed to Riverton City's standards. All improvements have been constructed and we recommend that approval be given for a Warranty release of the bond and that the City accept the improvements.		
Recommendation: It is recommended that approval be give to release 100% of the bond and that the City accept the improvements.		
Recommended Motion: Motion for approval of bond release		

**DESCRIPTION OF SUBDIVISION IMPROVEMENTS COMPLETED
AND THE DOLLAR AMOUNT REQUESTED FOR EACH.**

VILLAGES AT PARK AVENUE (West) Phase 1 Improvement	ORIGINAL BOND AMOUNT 12/17/2012	Partial RELEASE DATE	Partial RELEASE AMOUNT	Current RELEASE DATE	Current RELEASE AMOUNT	Warranty RELEASE DATE	Warranty RELEASE AMOUNT	AMOUNT REMAINING
SEWER	Separate Agreement							
CULINARY WATER (I)	\$ 216,531.52	5/29/2013	\$ 194,878.37	5/6/2014	\$ -	8/18/2015	\$21,653.15	\$ -
Secondary Water (II)	60,703.40	5/29/2013	\$ 54,633.06	5/6/2014	-	8/18/2015	6,070.34	-
Storm Drain (III)	110,497.56	4/11/2013	\$ 99,447.80	5/6/2014	-	8/18/2015	11,049.76	-
Curb/ Gutter/ Streets (IV)	244,179.03	5/9/2013	\$ 219,761.13	5/6/2014	-	8/18/2015	24,417.90	-
Street lights (V)	14,754.42	10/10/2013	\$ 13,278.98	5/6/2014	-	8/18/2015	1,475.44	-
Landscaping (VI)	5,551.07	5/20/2013	\$ 4,995.96	5/6/2014	-	8/18/2015	555.11	-
								-
								-
								-
								-
								-
								-
								-
								-
								-
								-
Total	\$ 652,217.00		\$ 586,995.30		\$ -		\$65,221.70	\$ -

Total amount of bond release requested: **\$ 65,221.70**

**APPROVAL AND ACCEPTANCE STATUS
OF THE SUBJECT SUBDIVISION IMPROVEMENTS:**

Engineer's Certification: All work described above has been inspected and the above quantities verified. All work appears to have been completed in accordance with Riverton City Subdivision Standards and Specifications.


Public Works Director/ City Engineer

8-11-15
Date

City Inspection Certification: All work described above has been inspected and the appropriate testing requirements have been successfully completed or exceeded.

RIVERTON CITY
SUBDIVISION BOND REDUCTION REQUEST

DEVELOPER'S INFORMATION

1. Subdivision Name: VILLAGES AT PARK AVENUE (West) Phase 1
2. Address: 12704 S 1830 W
3. Subdivision Developer: BRAD REYNOLDS CONSTRUCTION INC
4. Bond Company: BANK OF UTAH; TR
5. 100% Bond Release Request date: April 16, 2015
6. Date of bond release approval by City Council: August 18, 2015
7. Description of completed subdivision improvements (attached.)

CITY APPROVAL

Amount of bond release approved by Staff: \$ 65,221.70

Date of bond release approval by Staff: August 10, 2015

The bond amount for the subdivision shall be reduced by an amount equal to as shown above.

Mayor, Riverton City

Date

Attest:

Date

Item No. 4.2.2



Issue Paper

Presenter/Submitted By:	G Trace Robinson
Subject: Performance Bond release for HOLY TRINITY LUTHERAN (Landscaping) CHURCH	Meeting Date: 8/18/2015
	Fiscal Impact: \$N/A
	Funding Source: N/A
Background: Engineering, Public Works and Water Departments have performed the necessary infrastructure inspections for the HOLY TRINITY LUTHERAN (Landscaping) CHURCH and have found the site complete and constructed to Riverton City's standards. All improvements have been constructed and we recommend that approval be given for a Performance release of the bond and that the City accept the improvements.	
Recommendation: It is recommended that approval be give to release 90% of the bond and that the City accept the improvements.	
Recommended Motion: Motion for approval of bond release.	

**DESCRIPTION OF SUBDIVISION IMPROVEMENTS COMPLETED
AND THE DOLLAR AMOUNT REQUESTED FOR EACH.**

HOLY TRINITY LUTHERAN CHURCH Improvement	ORIGINAL BOND AMOUNT 7/10/2014	80% RELEASE DATE	80% RELEASE AMOUNT	90% RELEASE DATE	90% RELEASE AMOUNT	100% RELEASE DATE	100% RELEASE AMOUNT	AMOUNT REMAINING
SEWER	Separate Agreement							
Culinary Water	\$ -				\$ -			\$ -
Secondary Water	-				-			-
Demolition	-				-			-
Storm Drain	-				-			-
Streets	-				-			-
Sidewalk & Signs	-				-			-
Street Lights	-				-			-
Fencing & Landscaping	34,800.00			8/18/2015	31,320.00			3,480.00
Record Drawings & GIS	-				-			-
Other	-				-			-
								-
								-
								-
								-
								-
Total	\$ 34,800.00		\$ -		\$31,320.00		\$ -	\$ 3,480.00

Total amount of bond release requested: \$ 31,320.00

**APPROVAL AND ACCEPTANCE STATUS
OF THE SUBJECT SUBDIVISION IMPROVEMENTS:**

Engineer's Certification: All work described above has been inspected and the above quantities verified. All work appears to have been completed in accordance with Riverton City Subdivision Standards and Specifications.


Public Works Director/ City Engineer

8-11-15
Date

City Inspection Certification: All work described above has been inspected and the appropriate testing requirements have been successfully completed or exceeded.

RIVERTON CITY
SUBDIVISION BOND REDUCTION REQUEST

DEVELOPER'S INFORMATION

1. Subdivision Name: **HOLY TRINITY LUTHERAN CHURCH**
2. Address: **13249 S REDWOOD RD**
3. Subdivision Developer: **HOLY TRINITY LUTHERAN CHURCH**
4. Bond Company: **Great American Insurance Company**
5. 90% Bond Release Request date: **May 4, 2015**
6. Date of bond release approval by City Council: **August 18, 2015**
7. Description of completed subdivision improvements (attached.)

CITY APPROVAL

Amount of bond release approved by Staff: **\$ 31,320.00**

Date of bond release approval by Staff: **August 11, 2015**

The bond amount for the subdivision shall be reduced by an amount equal to as shown above.

Mayor, Riverton City

Date

Attest:

Date

Item No. 4.2.3



Issue Paper

Presenter/Submitted By:	G Trace Robinson
Subject: Warranty Bond release for SUMMERWOOD ESTATES PHASE 4	Meeting Date: 8/18/2015
	Fiscal Impact: SN/A
	Funding Source: N/A
Background: Engineering, Public Works and Water Departments have performed the necessary infrastructure inspections for the SUMMERWOOD ESTATES PHASE 4 and have found the site complete and constructed to Riverton City's standards. All improvements have been constructed and we recommend that approval be given for a Warranty release of the bond and that the City accept the improvements.	
Recommendation: It is recommended that approval be give to release 100% of the bond and that the City accept the improvements.	
Recommended Motion: Motion for approval of bond release.	

**DESCRIPTION OF SUBDIVISION IMPROVEMENTS COMPLETED
AND THE DOLLAR AMOUNT REQUESTED FOR EACH.**

SUMMERWOOD ESTATES PHASE 4 Improvement	ORIGINAL BOND AMOUNT 2/26/2014	80% RELEASE DATE	80% RELEASE AMOUNT	90% RELEASE DATE	90% RELEASE AMOUNT	100% RELEASE DATE	100% RELEASE AMOUNT	AMOUNT REMAINING
SEWER	Separate Agreement							
Culinary Water	\$ 301,762.10			6/17/2014	\$271,585.89	8/18/2015	\$ 30,176.21	\$ (0.00)
Secondary Water	161,069.60				144,962.64	8/18/2015	16,106.96	-
Demolition	-				-	8/18/2015	-	-
Storm Drain	133,899.46				120,509.51	8/18/2015	13,389.95	-
Streets	329,487.44				296,538.70	8/18/2015	32,948.74	-
Sidewalk & Signs	134,791.50				121,312.35	8/18/2015	13,479.15	-
Street Lights	32,400.00				29,160.00	8/18/2015	3,240.00	-
Fencing & Landscaping	-				-	8/18/2015	-	-
Record Drawings & GIS	1,500.00				1,350.00	8/18/2015	150.00	-
Other	-				-	8/18/2015	-	-
								-
								-
								-
								-
								-
Total	\$1,094,910.10		\$ -		\$985,419.09		\$109,491.01	\$ (0.00)

Total amount of bond release requested: **\$ 109,491.01**

**APPROVAL AND ACCEPTANCE STATUS
OF THE SUBJECT SUBDIVISION IMPROVEMENTS:**

Engineer's Certification: All work described above has been inspected and the above quantities verified. All work appears to have been completed in accordance with Riverton City Subdivision Standards and Specifications.


Public Works Director/ City Engineer

8-11-15
Date

City Inspection Certification: All work described above has been inspected and the appropriate testing requirements have been successfully completed or exceeded.

RIVERTON CITY
SUBDIVISION BOND REDUCTION REQUEST

DEVELOPER'S INFORMATION

1. Subdivision Name: **SUMMERWOOD ESTATES PHASE 4**
2. Address: **13138 S 3600 W**
3. Subdivision Developer: **IVORY LAND CORPORATION**
4. Bond Company: **WELLS FARGO BANK NA**
5. 100% Bond Release Request date: **June 10, 2015**
6. Date of bond release approval by City Council: **August 18, 2015**
7. Description of completed subdivision improvements (attached.)

CITY APPROVAL

Amount of bond release approved by Staff: **\$ 985,419.09**

Date of bond release approval by Staff: **August 11, 2015**

The bond amount for the subdivision shall be reduced by an amount equal to as shown above.

Mayor, Riverton City

Date

Attest:

Date



Issue Paper

Item No. 4.3

Presenter/Submitted By:	Trace Robinson, Public Works Director	
Subject: Resolution authorizing the Mayor to execute a stormwater easement between Riverton City and PacifiCorp	Meeting Date: August 18, 2015	
	Fiscal Impact: \$0	
	Funding Source: N/A	
Background: City Stormwater Design Standards require flood control systems to convey stormwater runoff below/above ground to a safe discharge point. The Cottages at Western Springs stormwater system passes over PacifiCorp property, which requires an easement. The easement will allow stormwater to flow across, and be retained on PacifiCorp property. The Home Owner's Association of the Cottages at Western Springs will perform maintenance of the pond. This easement was previously presented in May and passed as Resolution No. 15-40 but later PacifiCorp found errors in their easement document.		
Recommendation: Approve Resolution authorizing the Mayor to execute a stormwater easement between Riverton City and PacifiCorp.		
Recommended Motion: "I move the City Council approve <u>Resolution No. 15-59</u> , authorizing the Mayor to execute a stormwater easement between Riverton City and PacifiCorp."		

RIVERTON CITY, UTAH
RESOLUTION NO. 15-59

**A RESOLUTION APPROVING THE EXECUTION OF A STORMWATER
EASEMENT BETWEEN RIVERTON CITY AND PACIFICORP**

WHEREAS, the Developer is developing a project commonly known as The Cottages at Western Springs Phase 1 (herein the “Project”), which is located at approximately 12800 South 4450 West, Riverton City, Utah; and

WHEREAS, the Developer is providing stormwater drainage improvements as required by City’s Stormwater Design Standards and Regulations which includes a above ground floodway and detention pond; and

WHEREAS, The Cottages at Western Springs encompasses PacifiCorp property and the stormwater system improvements are located on PacifiCorp property; and

WHEREAS, notwithstanding the fact that these stormwater system improvements are necessary to protect residents in The Cottages at Western Springs Development and surrounding properties; and

WHEREAS, PacifiCorp is willing to allow this stormwater system and detention pond to be built on their property; and

WHEREAS, the parties desire to execute this easement to preserve and protect the stormwater system and detention pond; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of Riverton City as follows:

Approve and execute this stormwater easement between Riverton City and PacifiCorp

PASSED AND ADOPTED by the City Council of Riverton, Utah, on this 18th day of August, 2015, by the following vote:

	YES	NO	ABSTAIN	ABSENT
Council Member Brent Johnson	___	___	___	___
Council Member Trent Staggs	___	___	___	___
Council Member Sheldon Stewart	___	___	___	___
Council Member Tricia Tingey	___	___	___	___
Council Member Paul Wayman	___	___	___	___

RIVERTON CITY

[SEAL]

ATTEST:

Bill Applegarth, Mayor

Virginia Loader, MMC
Recorder

When recorded, return to:
Rocky Mountain Power
Property Management Dept
Attn: Lisa Louder
1407 West North Temple, suite 110
Salt Lake City, Utah 84116
Parcel No. UTSL-0006
File No. 51605
Tax ID No. 27:31:200:029

STORMWATER EASEMENT

This Stormwater Easement Agreement (the “Easement Agreement”) is entered into between PacifiCorp, an Oregon corporation d/b/a Rocky Mountain Power, its successors and assigns, whose principal office is located at 1407 West North Temple, Salt Lake City, UT 84116, (“Grantor”) and Riverton City, a Utah municipal corporation, its successors and assigns, (“Grantee”) whose principal office is located at _____.

RECITALS

A. Grantor owns that certain parcel of land located in Salt Lake County, State of Utah, more particularly described in **Exhibit “A”** attached hereto and made a part hereof, and used in connection with Grantor’s construction, operation and maintenance of current or future high voltage electric transmission lines and other uses in connection with its electric utility operation. This parcel of land is referred to hereinafter as the “Transmission Line Corridor Property.”

B. Grantee desires to operate and maintain a stormwater management system in the vicinity of the Transmission Line Corridor Property and over and across that portion of Grantor’s Transmission Line Corridor Property as described and depicted in **Exhibit “B”** (the “Easement Area”).

C. Grantor has agreed to convey an easement to Grantee subject to and in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Grant of Easement. Grantor hereby conveys a non-exclusive, perpetual easement to Grantee over and across the Easement Area more particularly described in **Exhibit “B”** for the purpose of maintaining a stormwater drainage path and the accompanying right to maintain the grade of the property sufficient to accommodate intermittent stormwater flows across the Easement Area and in accordance with that

certain drainage and grading plan on file with the Riverton City Engineering Department and for no other uses. The certain drainage and grading plan is associated with that certain residential subdivision plat commonly known and recorded at the Salt Lake County recorder's office as Cottages at Western Springs Phases 1 and 2 ("Western Springs Grading Plan") and further depicted herewith in **Exhibit "B"** to this Easement Agreement and for no other use. All changes to grades proposed by virtue of the Western Springs Grading Plan contemplated herein including excavation must be approved in advance by Grantor.

2. Grantee's Use.

a. Grantee shall have a non-exclusive right to maintain and access the Easement Area.

b. Grantee, its successor and assigns shall use the Easement Area in compliance with OSHA, NESC and the Utah High Voltage Act Safety Clearance Standards, and any and all other applicable federal, state and local laws. Grantee is aware that power lines are energized at all times and Grantee must conduct all activity on Grantor's land in strict compliance with all applicable laws, codes, rules, regulations, and standards regarding activity around high voltage facilities. At all times, all actions of Grantee on or about the Easement Property or in connection with the Easement Property and all activities of Grantee contemplated by this Easement shall be taken in full and strict compliance with all governmental laws and requirements. Grantee shall not store materials within the Easement Property. The storage of flammable and hazardous materials or refueling of vehicles/equipment is prohibited within the Easement Property. At no time shall Grantee place within the Easement Property any permanent equipment or materials of any kind that exceed fifteen (15) feet in height, or that creates a material risk of endangering Grantor's facilities, or that may pose a risk to human safety. ,

c. This Easement is granted subject to all easements and encumbrances of record as of the date hereof. Grantee has notice that there may be existing easements upon the Easement Property and Grantor's land, including but not limited to water lines, communications lines and power lines.

d. Grantor's maintenance and future construction of additional power lines and other facilities require the use and operation of equipment with design load requirements of 37,000 pounds per axle including wire pullers and similar equipment weighing in excess of 120,000 pounds and cranes weighting 130,000 pounds. Grantee warrants and represents to Grantor that its rights granted herein will not interfere with Grantor's use of equipment with weights identified above.

e. Grantee is aware that power lines are or may be located within the Easement Area. At all times, with respect to those rights granted to Grantee by virtue of this Easement Agreement, Grantee shall maintain the the Easement Area in a safe condition. Without limiting the generality of the preceding, Grantee shall meet or exceed all applicable requirements and specifications of all governmental agencies having jurisdiction of matters relating to storm water drainage. All costs of maintenance and

similar activities required by this paragraph and by the following paragraph shall be borne solely by Grantee.

f. Following any stormwater events or maintenance activities associated with those rights Granted herein, Grantee shall promptly restore such land to the condition it was in immediately prior to such disturbance or as otherwise reasonably required by Grantor.

3. Ingress and Egress. Grantee shall have the right of access over and across the Easement Area for itself and its agents to the extent reasonably necessary in order to exercise Grantee's rights under this Easement. In exercising such right of ingress and egress, Grantee shall provide reasonable advance notice to Grantor before commencing any substantial maintenance or repair work. The location of Grantee's ingress and egress may be modified, relocated, or reasonably limited as directly by Grantor from time to time.

4. Conduct of Grantee. . Grantee shall at all times be responsible for the quantity and quality of all waters discharged into and traveling over the Transmission Line Corridor Property, Easement Area, or any other lands owned by Grantor adjacent to or nearby said lands.

5. Release and Indemnification

(a) Grantee, its successors and assigns, shall use the Easement Area at its own risk and agrees to indemnify, defend and hold harmless Grantor and Grantor's affiliated companies, officers, directors, shareholders, agents, employees, successors and assigns, (the "Indemnified Parties") for, from and against all liabilities, claims, damages, losses, suits, judgments, causes of action, liens, fines, penalties, costs, and expenses (including, but not limited to, court costs, attorney's fees, and costs of investigation), of any nature, directly or indirectly arising out of, caused by, or resulting from (in whole or in part), (i) the breach by Grantee of any provision of this agreement, (ii) Grantee's use and occupation of the Easement Area, or (iii) any act or omission of Grantee, any independent contractor retained by Grantee, anyone directly or indirectly employed by them, or anyone authorized by Grantee to control or exercise control over (hereinafter collectively referred to as "claims"), even if such claims arise from or are attributed to the concurrent negligence of any of the Indemnified Parties.

(b) The Indemnified Parties shall never be liable in any manner to Grantee for any injury to or death of persons or for any loss of or damage to property of Grantor, its employees, agents, customers, invitees, or to others, even if such loss or damage is caused in part by the negligence of any Indemnified Party. All personal property and fixtures, if allowed by Grantor, located within the Easement Area shall be maintained and used at the risk of Grantee and the Indemnified parties shall not be liable for any damage thereto or theft thereof, even if due in whole or in part to the negligence of the Indemnified Parties.

6. Mechanics' Liens. Grantee shall, at all times, keep the Easement Property and Grantor's land free from mechanics' lien claims or similar liens arising on account of any act by or on behalf of Grantee. Prior to commencing or contracting for any work to be performed on or about Grantor's land or the Easement Property, Grantee shall provide written notice to all contractors, and material suppliers with respect to such work that any mechanics' lien claim on account of the provision of such work or materials shall attach only to Grantee's interest in the Easement Property under this Easement and shall not, in any event, attach to any interest of Grantor in the Easement Property or Grantor's land. In the event any mechanics' lien is recorded with respect to the Easement Property or Grantor's land on account of any activity of Grantee or any use of the Easement Property or Grantor's land by or on behalf of Grantee, Grantee shall, within thirty (30) days of notice by Grantor (or, if earlier, within 30 days of a complaint being filed to enforce such mechanics' lien), cause such mechanics' lien to be removed by posting a bond with the district court as permitted by statute.

7. Grantor's Use. Grantor expressly reserves the right to use the Easement for its own business purposes, including the right to cross and re-cross the Easement with equipment, personnel, overhead or underground power lines, and access roads at any location or locations and to grant or convey additional uses of the Easement to others for any purpose not inconsistent with the rights granted hereunder.

8. Successors and Assigns. The benefits and burdens of this Easement shall inure to the benefit of and be binding upon the parties and their respective heirs, successors, and assigns. The rights and obligations set forth in this Easement are intended to run with the land.

9. Taxes. Grantee shall pay all taxes and assessments of any kind, which shall be levied against the Easement Property by reason of Grantee's use, or occupancy thereof.

10. Litigation Expense. If any suit or action arising out of or related to this Easement is brought by any party, the prevailing party or parties shall be entitled to recover the costs and fees (including, without limitation, reasonable attorneys' fees, the fees and costs of experts and consultants, copying, courier and telecommunication costs, and deposition costs and all other costs of discovery) incurred by such party or parties in such suit or action, including, without limitation, any post-trial or appellate proceeding, or in the collection or enforcement of any judgment or award entered or made in such suit or action.

11. Paragraph headings. Paragraph headings are included for reference purposes only and do not constitute part of this Easement.

12. Governing Law. This Easement shall be governed and construed under the laws of the State of Utah without regard to conflicts of law provisions.

13. Severability. Whenever possible, each provision of this Easement will be interpreted in such a manner as to be effective and valid under applicable law, but if any

provision of this Easement is held to be prohibited by or invalid under applicable law, such provision will be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of this Easement.

14. Notices. All notices, demands, or communications to any party under this Easement shall be in writing sent by by nationally recognized courier service, or by personal delivery and shall be given:

If to Grantor:

Rocky Mountain Power
Attn: Real Estate Transaction Services
1407 West North Temple, Suite 110
Salt Lake City, Utah 84116

With a copy to:

Rocky Mountain Power
Legal Department
201 South Main, Suite 2200
Salt Lake City, Utah 84111

If to Grantee:

Riverton City

Riverton, Utah _____
Attn: _____

All such notices, demands, requests, or other communications shall be deemed received on the date of receipt by the recipient if received prior to 5:00 p.m. in the place of receipt and such day is a business day in the place of receipt. Otherwise, any such notice, demand, request, or other communication shall be deemed not to have been received until the next succeeding business day in the place of receipt. Addresses for notice may be changed from time to time by notice to the other party.

15. Waiver. Waiver by either party of any one default will not be deemed to be a waiver of any other default under this Easement. Any remedy or election under this Easement will not be deemed exclusive, but, instead, whenever legally permissible, will be cumulative with all other remedies at law or in equity.

16. Waiver of Jury Trial. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. **Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.**

17. Authorization. Each individual executing this Easement represents and warrants that he or she has been duly authorized by appropriate action of the governing body of the party for which he signs to execute and deliver this Easement in the capacity and for the entity set forth where he signs and that as a result of his signature, this Easement shall be binding upon the party for which he signs.

[SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, this Easement shall be dated and effective on date and year first above written.

Grantor:

PacifiCorp, an Oregon corporation dba Rocky Mountain Power

By: _____

Its: _____

Dated: _____

Grantee:

Riverton City, a Utah municipal corporation

By: _____

Its: _____

Dated: _____

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY SALT LAKE)

On the _____ day of _____, 2015, personally appeared before me _____, who being duly sworn did say that he/she is the signer of the within instrument on behalf of PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power and that the within and foregoing instrument was signed by authority of said

corporation and said _____duly acknowledged to me that said corporation executed the same.

Notary Public

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF _____)

On this _____ day of _____ 2015, personally appeared before me _____, who being duly sworn, did say that he/she is the _____ of _____, and that the foregoing instrument was signed on behalf of _____, by authority of law.

Notary Public

EXHIBIT "A"
(Legal Description of Transmission Line Corridor Property)

Legal Description:

Situate in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 31, Township 3 South, Range 1 West, Salt Lake Meridian, described as follows:

Beginning at the Northwest corner of the Grantors' land at a point 1065.7 feet South and 103 feet West from the North one quarter of Section 31, Township 3 South, Range 1 West, Salt Lake Meridian, and running thence South 122.77 feet along the West boundary line of said Grantors' land; thence South $37^{\circ}27'$ East 728.46 feet, more or less, to an East boundary line of said Grantors' land; thence North 106.73 feet along said East 94.60 feet along said South boundary line to a Southwesterly right-of-way line to the North Boundary line of the Grantors' land; thence West 82.31 feet along said North boundary line to the point of beginning.

Excepting therefrom that portion of said land conveyed to Larry D. Brown, et ux, In Warranty Deed recorded September 24, 1979 as Entry No. 3340929 in Book 4950 at Page 378, Official Records described as follows:

Beginning at a point North $89^{\circ}30'59''$ West 89.49 feet and North 649.00 feet and East 309.46 feet from the center of Section 31, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 328.00 feet, thence East 132.80 feet; thence South 328.00 feet; thence West 132.80 feet to the point of Beginning.

Also excepting therefrom all coal, oil, gas, mines, metals, gravel, and all other minerals of whatever kind or nature, together with the right to prospect for, mine, and remove the same and together with the right to occupy and use so much of the surface of said land as may be required for all purposes reasonably incident to the mining and removal of said minerals as excepted and reserved by the State of Utah, in Quit Claim Deed recorded September 14, 1955 as Entry No. 1446494 in Book 1239 at Page 49, Official Records.

Together with a non-exclusive right of way described as follows:

Commencing on the centerline of 12600 South at a point which lies 422.24 feet North $89^{\circ}13'15''$ West from the North Quarter Corner of Section 31, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 687.61 feet, thence south $58^{\circ}17'$ East 375.19 feet; thence South 1787.72 feet; thence North $89^{\circ}30'59''$ West 40 feet; thence North 1735.08 feet, thence North $58^{\circ}17'$ West 35.19 feet; thence North 710.45 feet, thence South $89^{\circ}13'15''$ East 40 feet to the point of commencement.

EXHIBIT "A" Continued
 (Map of Transmission Line Corridor Property)

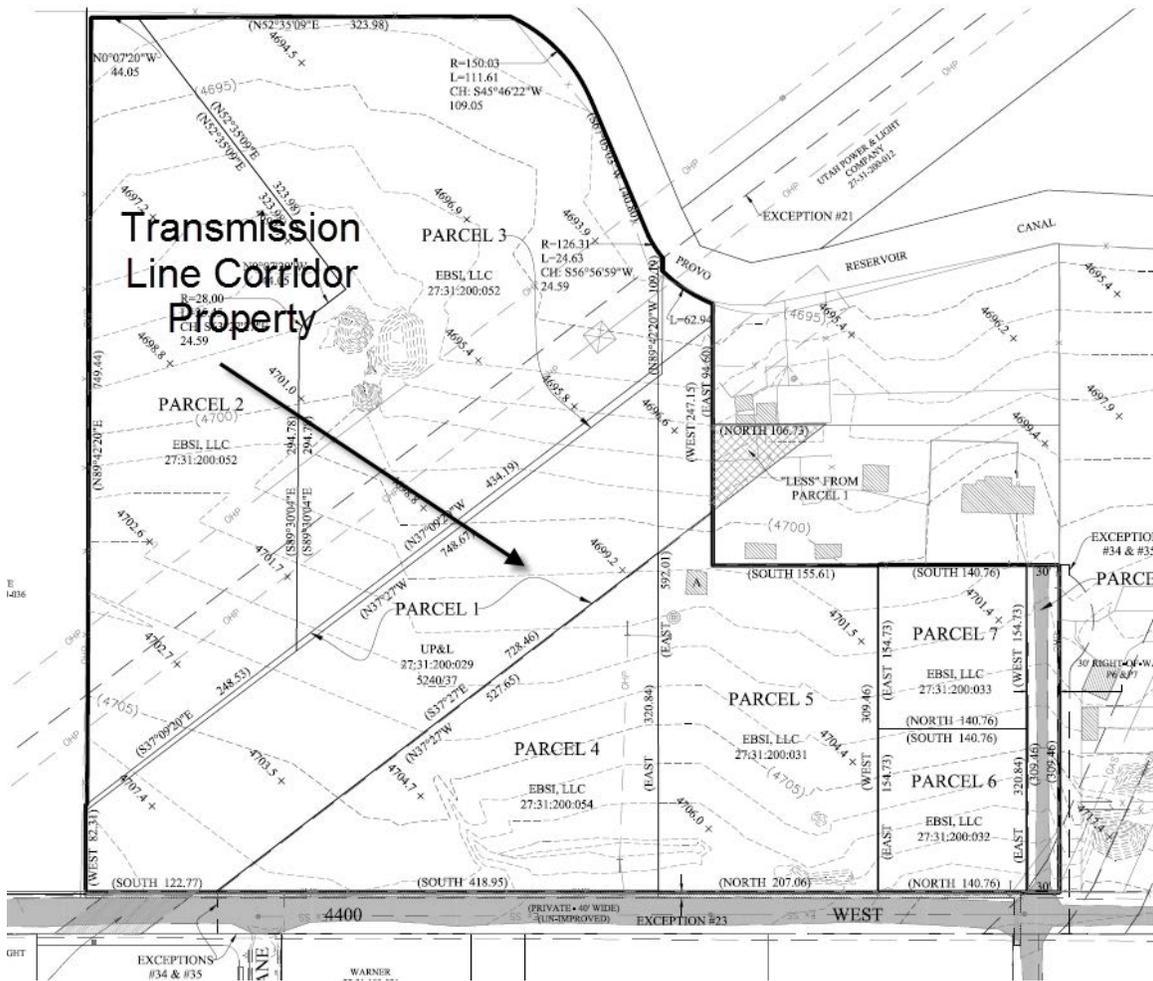


EXHIBIT "B" (Pg. 1 of 3)

**DRAINAGE EASEMENT
FOR
100-YEAR OVERLAND FLOOD ROUTE**

**EASEMENT WITHIN
A PORTION OF
PARCEL "A" (OPEN SPACE)**

A portion of the NE1/4 of Section 31, Township 3 South, Range 1 West, Salt Lake Base & Meridian, located in Riverton, Utah, more particularly described as follows:

Beginning at a point located S89°31'48"E along the ¼ Section line 299.45 feet and North 943.40 feet from the Center ¼ Corner of Section 31, T3S, R1W, S.L.B. & M.; thence N37°27'00"W 166.80 feet; thence N0°14'35"E 231.26 feet; thence S37°20'00"E 259.18 feet; thence Southwesterly along the arc of a 277.00 foot radius non-tangent curve (radius bears: S52°36'11"E) 170.17 feet through a central angle of 35°11'52" (chord: S19°47'56"W 167.50 feet) to the point of beginning.

Contains: 0.66+/- acres



EXHIBIT "B" (Pg. 2 of 3)
 (Map of Easement Area)

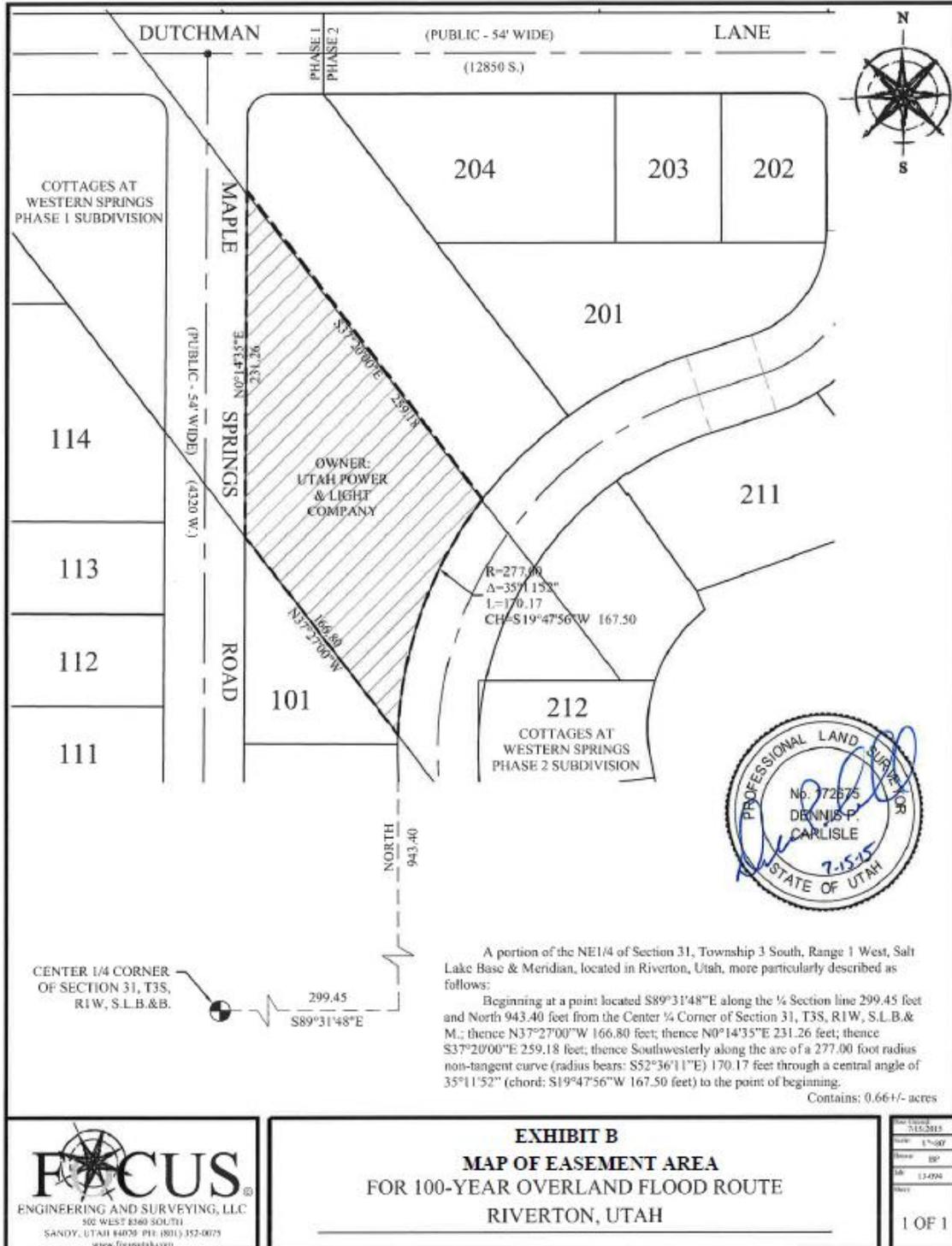
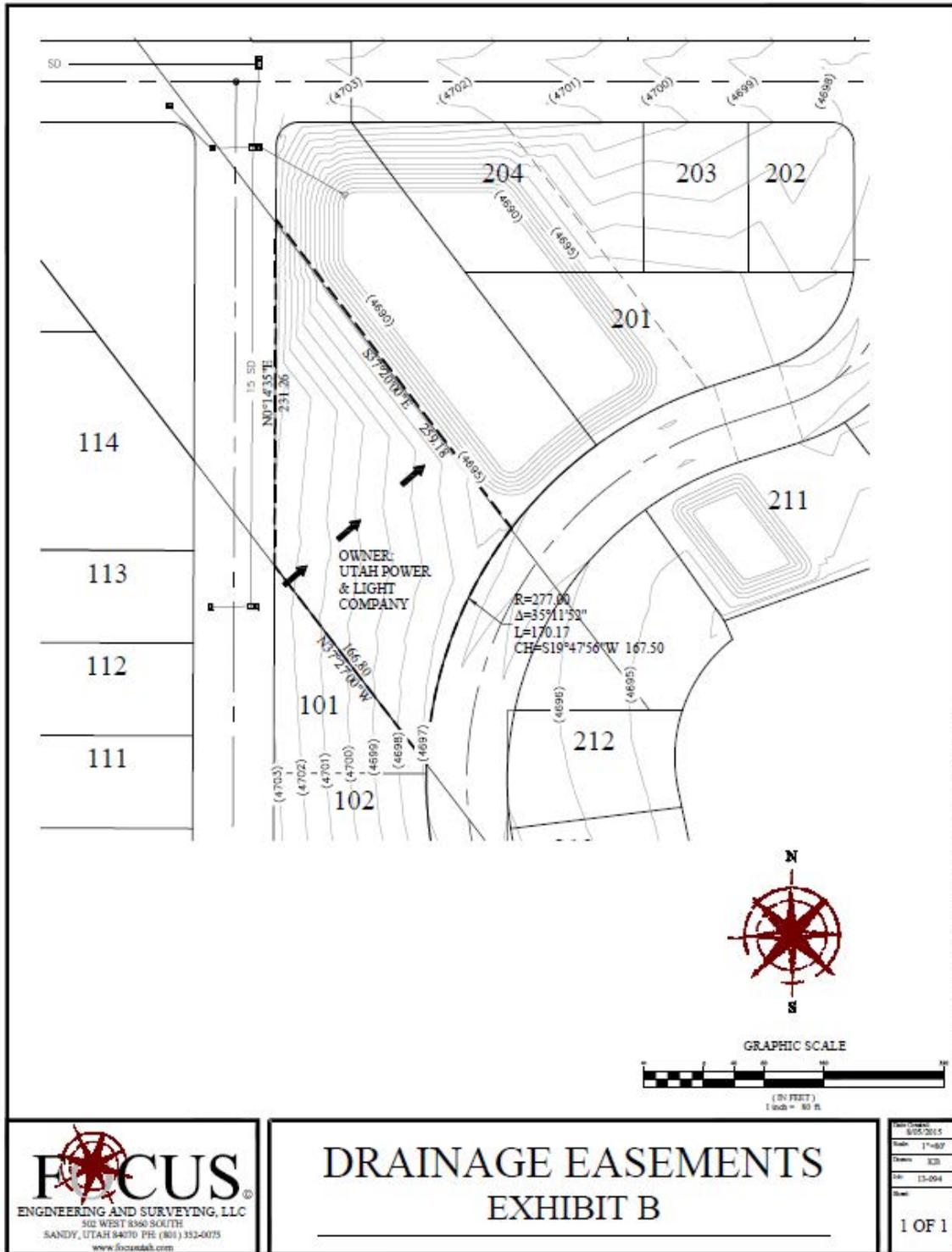


EXHIBIT "B" (Pg. 3 of 3)
 (Western Springs Grading Plan)





Issue Paper

Item No. 4.4

Presenter/Submitted By:	Craig Calvert, Purchasing Manager	
Subject: Request approval to ratify prior approval of a Change Order given to England Construction to complete the Margaret Park Subdrain Project.	Meeting Date: August 18, 2015	
	Fiscal Impact: \$28,364.43	
	Funding Source: 10-64-266	
Background: The City contracted with England Construction to complete the Margaret Park Subdrain Project. According to the City Procurement Ordinance, if a change order causes the contract to exceed 10% of the original contract amount, the project will be presented again to City Council for approval. The adjusted contract amount is now \$124,364.43. Because work needed to continue, the City Engineer has approved the Change Order.		
Recommendation: Staff's recommendation is to ratify prior approval of a Change Order given to England Construction to complete the Margaret Park Subdrain Project.		
Recommended Motion: "I move the City Council approve <u>Resolution No. 15-60</u> - ratifying the prior approval of a Change Order given to England Construction to complete the Margaret Park Subdrain Project."		

RIVERTON CITY, UTAH
RESOLUTION NO. 15-60

A RESOLUTION RATIFYING THE APPROVAL OF A CHANGE ORDER GIVEN TO ENGLAND CONSTRUCTION TO COMPLETE THE MARGARET PARK SUBDRAIN PROJECT

WHEREAS, Riverton City is required by ordinance to approve any change order that exceeds 10% of the original contract amount in a public meeting; and,

WHEREAS, City staff has determined that items on this change order are needed.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF RIVERTON CITY AS FOLLOWS:

Section 1. Riverton City ratifies the prior approval of a change order given to England Construction to complete the Margaret Park Subdrain Project.

Section 2. This resolution shall become effective upon passing.

PASSED AND ADOPTED by the City Council of Riverton, Utah, this 18th day of August by the following vote:

	YES	NO	ABSTAIN	ABSENT
Council Member Brent Johnson	_____	_____	_____	_____
Council Member Trent Staggs	_____	_____	_____	_____
Council Member Sheldon Stewart	_____	_____	_____	_____
Council Member Tricia Tingey	_____	_____	_____	_____
Council Member Paul Wayman	_____	_____	_____	_____

RIVERTON CITY

[SEAL]

ATTEST:

Bill Applegarth, Mayor

Virginia Loader, MMC
Recorder



RIVERTON CITY ENGINEERING DEPARTMENT CHANGE ORDER

C.O.#	1
DATE	8/7/2015
PROJECT #	
CONTRACT DATE	
P.O. #	

PROJECT: Margaret Park Subdrain

CONTRACTOR: England Construction
202 South Val Vista Drive
Tooele, Utah 84074

This Change Order amends the above referenced Construction Contract between the CONTRACTOR and OWNER. Unless specified otherwise, all provisions of the Contract Documents remain unchanged and apply to the Work defined herein. The prices set forth include all "overhead and profit" and represent the full cost to the OWNER for the Work.

Item	Description	Est. Qty.	Unit	Unit Price	Change in Contract Price
c.o.1-1	10" Non-Perforated PVC Pipe, Class SDR35, with Concrete Surface	16	LF	\$ 200.00	\$ 3,200.00
c.o.1-2	Flow fill around conduits	1	LS	\$ 435.00	\$ 435.00
c.o.1-3	Manhole, end of line	1	EA	\$ 13,748.89	\$ 13,748.89
c.o.1-4	Miscellaneous Storm Event Improvements	1	LS	\$ 934.00	\$ 934.00
c.o.1-5	Concrete Surface Restoration, Parking Lot	1	LS	\$ 2,264.00	\$ 2,264.00
c.o.1-6	Cobble stabilization of pipe and manhole	1	LS	\$ 4,782.54	\$ 4,782.54
c.o.1-7	Early Completion Incentive	1	LS	\$ 3,000.00	\$ 3,000.00
c.o.1-8					\$ -
c.o.1-9					\$ -
c.o.1-10					\$ -
c.o.1-11					\$ -
c.o.1-12					\$ -
c.o.1-13					\$ -
c.o.1-14					\$ -
c.o.1-15					\$ -
c.o.1-16					\$ -
Net Contract Price Change					\$ 28,364.43

NARRATIVE

4. Berm concrete reinforcement, slope straw waddles,
5. replace concrete removed prior to pipe re-alignment
6. done in the area of the apparent natural spring

CONTRACT TIME SUMMARY

Description	New Completion Deadline	Additional Days Added	Total Contract Time Change
Time Extension granted for new scope (install end-of-line manhole)	5/9/2015	n/a	n/a

CONTRACT PRICE SUMMARY

Description	PO #	Date	Amount
Original Contract Price			\$96,000.00
Change Order #1			\$ 28,364.43
Total Contract Price Including Change Orders			\$ 124,364.43

CONTRACTOR	DATE	PROJECT ENGINEER	DATE
	8/7/2015		8-10-15
CITY ATTORNEY	DATE	PURCHASING	DATE
	8-11-15		
MAYOR	DATE	FINANCE	DATE

Bill Gossett



Riverton City Recorder



Issue Paper

Item No. 4.5

Presenter/Submitted By:	Craig Calvert, Purchasing Manager	
Subject: Request permission to ratify an emergency purchase to Widdison Turbine Service to repair the Hill Well Booster Pump.	Meeting Date: August 18, 2015	
	Fiscal Impact: \$27,057.00	
	Funding Source: 51-71-269	
Background: The Hill Well Booster Pump stopped working and needed to be repaired. According to the Water Director, this was an emergency because this booster pump is used to pump Jordan Valley Water to the High Tank. Purchasing has established a contract for these types of emergencies, City Contract 10-16-03.		
Recommendation: Staff's recommendation is to ratify an emergency purchase to Widdison Turbine Service to repair the Hill Well Booster Pump.		
Recommended Motion: "I move the City Council approve <u>Resolution No. 15-61</u> - ratifying an emergency purchase to Widdison Turbine Service to repair the Hill Well Booster Pump."		

RIVERTON CITY, UTAH
RESOLUTION NO. 15-61

**A RESOLUTION RATIFYING AN EMERGENCY PURCHASE TO WIDDISON
TURBINE SERVICE TO REPAIR THE HILL WELL BOOSTER PUMP**

WHEREAS, Riverton City is required by ordinance to approve any contract that exceeds \$25,000 in a public meeting; and,

WHEREAS, the Water Director indicated that this pump needed to be repaired as soon as possible.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF
RIVERTON CITY AS FOLLOWS:**

Section 1. Riverton City ratifies an emergency purchase to Widdison Turbine Service to repair the Hill Well Booster Pump.

Section 2. This resolution shall become effective upon passing.

PASSED AND ADOPTED by the City Council of Riverton, Utah, this 18th day of August by the following vote:

	YES	NO	ABSTAIN	ABSENT
Council Member Brent Johnson	___	___	___	___
Council Member Trent Staggs	___	___	___	___
Council Member Sheldon Stewart	___	___	___	___
Council Member Tricia Tingey	___	___	___	___
Council Member Paul Wayman	___	___	___	___

RIVERTON CITY

[SEAL]

ATTEST:

Bill Applegarth, Mayor

Virginia Loader, MMC
Recorder