

Riverton City
REGULAR CITY COUNCIL MEETING
Minutes
August 2, 2016

Riverton City Hall
12830 South 1700 West
Riverton, Utah 84065

Attendance:

Mayor William R. Applegarth

Council Members:

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

City Staff:

Lance Blackwood, City Manager
Virginia Loader, Recorder
Ryan Carter, City Attorney
Jason Lethbridge, Planning Manager
Trace Robinson, Public Works Director
Sheril Garn, Parks & Public Services Director
Lisa Dudley, Administrative Services Director
Angela Trammell, Communications Manager
Rosie Rivera, UPD Precinct Chief

A. GENERAL BUSINESS

1. Call to Order and Roll Call

Mayor Applegarth called the Riverton City Council Meeting to order at 6:30 p.m. and conducted a roll call. Council Members Johnson, Staggs, Stewart, Tingey, and Wayman were present.

Pledge of Allegiance – Tricia Tingey led the Pledge of Allegiance.

1. Presentations/Reports

a. Recognition of Boy Scout Troops

2. Public Comments

Mayor Applegarth called for public comments:

Valerie Bills reported on a house located at 1453 West 13200 South that she felt had potential for dangerous activities and requested it be placed on a watch list; she then requested follow up from Council Member Johnson regarding the property.

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

Mayor Applegarth moved to Agenda Item C.2.

C.2. Resolution No. 16-43 – Supporting, Recognizing, and Honoring the services of Law Enforcement Officers

Ryan Carter, City Attorney, explained that due to recent events in our nation related to the safety of law enforcement officers, the City Council desired to adopt a resolution of support.

Council Member Trent Staggs then read the resolution publically and “Applauds the bravery and dedication exhibited by our law enforcement personnel and offers its deepest respect and admiration for the job they do to keep our community safe.” Council Member Sheldon Stewart also commended the service offered by the Law Enforcement Officers.

Council Member Trent Staggs **MOVED the City Council approve Resolution No. 16-43 - Supporting, recognizing, and honoring the services of Law Enforcement Officers**. Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

B. PUBLIC HEARINGS

1. Barbara Catron is requesting a rezone of .52 acres located at 13026 and 13024 S Redwood Road from RR-22 to C-PO (Commercial Professional Office)

Jason Lethbridge, Development Services Director, Barbara Catron submitted an application for rezone of .52 acres located at 13026 & 13024 South Redwood Road in Riverton City. He said the property was currently zoned RR-22; the adjacent property to the west was public park space. He said the properties to the north and south and across Redwood Road to the east were zoned RR-22, and the properties to the south across 12600 South were residentially zoned. He said the property was designated in the General Plan as “Medium Density Residential”, as all of the surrounding properties with the exception of the park space. He said the General Plan designation would need to be amended to Community Commercial as part of the rezone action.

Mr. Lethbridge said there was an existing home on the property that was quite old, and the applicant proposed, as part of the conceptual information submitted with this rezone request, restoration and renovation of that home into commercial space. However, he said it must be clear that the rezone of the property could not be made conditional on the restoration of any existing buildings, nor would approval of the rezone constitute approvals of such restoration or the ability of the home to be converted to commercial space. He said that once the property was rezoned, any used permitted in the Commercial Professional Office Zone, it would be available to the property owner, regardless of whether the existing home was being preserved.

Mr. Lethbridge said that on June 9, 2016, the Planning Commission recommended approval of the rezone application.

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

Glen Oakeson expressed concern regarding the Redwood Road Widening Project and how it might affect the Catron's project.

Valerie Bills spoke in support of the proposed rezone and commended the Catron's and said the rezone would encourage like businesses to come to the City. She spoke of parking and then said the project would bring a historical class back to Riverton and she encouraged the City Council to approve the proposed rezone.

Council Member Brent Johnson spoke in favor of the proposal and proposed rezone.

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

Ordinance No. 16-22 - Rezoning .52 Acres located at 13026 & 13024 South Redwood Road from RR-22 (Residential 1/2 Acre Lots) to C-PO (Commercial Professional Office), and amending the General Plan for the property to Community Commercial - Barbara Catron, Applicant

Council Member Brent Johnson **MOVED** the City Council adopt **Ordinance No. 16-22 - Rezoning .52 Acres located at 13026 & 13024 South Redwood Road from RR-22 (Residential 1/2 Acre Lots) to C-PO (Commercial Professional Office), and amending the General Plan for the property to Community Commercial.** Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

2. DR Horton Inc. is requesting a rezone of 9.7 acres located at approximately 12300 South 3600 West from RR-22 to R-4, allowing development of 1/4 acre lots

Jason Lethbridge, Development Services Director, explained that DR Horton Inc. submitted an application requesting a zoning amendment of property located at 12388 South 3600 West. He said the property was currently zoned RR-22 (Rural Residential 1/2 Acre Lots) and was being utilized primarily as agriculture with one residential home. The property to the south was zoned C-R (Commercial Regional) and incorporated various commercial activities, as well as an assisted living residential facility. To the north and west, the property was zoned R-4 and was being utilized as a single-family subdivision on 10,000 square foot lots. To the east, the property was zoned R-1 (Residential 1 acre lots).

Mr. Lethbridge said the applicant proposed to rezone the property to R-4, a single-family residential zone, which permits lots larger than 10,000 square foot lots but nothing smaller. He said the subdivision to the north was the same zoning and the lots were of similar size to those that would be permitted in the new subdivision.

Mr. Lethbridge said on June 23, 2016, the Planning Commission recommended approval of the rezone application. He then addressed questions from the Council Members.

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

Glen Oakeson spoke of a through road in the development and made recommendations for its development.

Unidentified spoke of his concerns regarding the road and the traffic.

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

Ordinance No. 16-23 - Rezoning approximately 9.7 Acres located at 12388 South 3600 West from RR-22 (Rural Residential ½ Acre Lots) to R-4 (Residential 10,000 Square Foot Lots) – D.R. Horton Inc., Applicant

Council Member Sheldon Stewart **MOVED** the City Council adopt **Ordinance No. 16-23 - Rezoning approximately 9.7 Acres located at 12388 South 3600 West from RR-22 (Rural Residential ½ Acre Lots) to R-4 (Residential 10,000 Square Foot Lots)**. Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; Council Members asked question regarding a road and Mr. Lethbridge said that design questions would be addressed at the time of the Site Plan. Mayor Applegarth then called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

3. Riverton City is proposing amendments to Section 18.155.110, Fences within a Fence, of its Land Use Code

Jason Lethbridge, Development Services Director, explained that there had been several issues come to light over time with enforcement of the prohibition of fences directly adjacent to one another. One has been in situations where new development required fencing to be installed on the perimeter of a project. In several cases, fencing on the adjacent properties was not located on property line, but was either by design or by accident located several feet inside of the property line. In other cases adjacent property owners chose not to allow their existing fencing to be removed. Both situations created a conflict, where the developer was required to install fencing before a project could move forward, but the prohibition on parallel fencing made the required fencing impossible to install.

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

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

Mr. Lethbridge said On June 23, 2016, the Planning Commission recommended adoption of the ordinance amendment, and provided two possible amendments of the text.

Lengthy discussion was held regarding parallel fencing. Council Member Tingey requested the item be tabled until the Regular City Council Meeting on August 16th.

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

James Sveski, a licensed land surveyor, spoke about property rights, and of who came first and who came second. He recommended the Council not pass either one of the proposed ordinance options until they were reworded.

Mayor Applegarth recommended continuation of the Public Hearing until the Regular City Council Meeting on August 16, 2016.

Discussion was held regarding other City's ordinances regarding parallel fencing, and Mr. Lethbridge said he would include parallel fencing language from other Cities in the next Staff Report.

Ordinance No. 16-24 - Amending Section 18.155.11, Fence within a Fence, of the Riverton City Land Use Code, Amendment proposed by Riverton City

Council Member Tricia Tingey **MOVED the City Council TABLE Ordinance No. 16-24 to August 16, 2016, leaving the Public Hearing open.** Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none he called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

4. Riverton City is proposing amendments to Sections of its Land Use Code addressing the use of recreational vehicles as dwelling units, and on parking standards for recreational vehicles

Jason Lethbridge, Development Services Director, explained that Section 18.160 of Riverton City's Land Use Code regulates mobile homes and other recreational vehicle developments. He said the primary purpose of that section was to establish requirements for mobile home parks or other developments tailored to that type of unit. He said staff was proposing the addition of a section to that ordinance, which is in response to two separate situations which brought to light the need for the amendment. First, the City became aware of an individual living in a recreational vehicle on quasi-public property for a period of several months. In review of that situation, it was determined that the current ordinance did not explicitly prohibit the use of a recreational vehicle

as a residence beyond temporary visitation use. Such language is common in municipal ordinances, and the above language addresses this. The other is an ongoing issue where a mobile home is being stored on a residential property outside of any regulated mobile home park. Current ordinances do not specifically address this, and to facilitate current and future enforcement of this issue, staff has recommended the above restrictions on storage or parking of mobile homes. In addition, just to bring the language up to current accepted uses, the proposed amendment also changes the term “recreational coach”, which is defined as a recreational vehicle, to use that term. “Recreational Coach” is changed to “recreational vehicle” throughout the ordinance.

Mr. Lethbridge said on July 14, 2016, the Planning Commission recommended adoption of the ordinance amendment. He then addressed questions from Council Members.

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

Ordinance No. 16-25 - Amending Section 18.160, Mobile Home Regulations, of the Riverton City Land Use Code, Amendment proposed by Riverton City

Council Member Trent Staggs **MOVED** the City Council adopt **Ordinance No. 16-25 - Amending Section 18.160, Mobile Home Regulations, of the Riverton City Land Use Code, amending the section as described in Exhibit “A”**. Council Member Brent Johnson **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none he called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

5. Proposed FY 2016-2017 Mid-Year Budget Amendments

Lisa Dudley, Administrative Services Director, explained that Budgets are estimates, and therefore, from time to time it is necessary periodically, based on year-to-date budget to actual comparisons to open and amend the fiscal budget as needed. She then presented and explained the budget amendments.

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

Resolution No. 16-40 – Approving Amendments to the 2016-2017 Fiscal Year Budget

Council Member Paul Wayman **MOVED** the City Council adopt **Resolution No. 16-40 – Approving Amendments to the 2016-2017 Fiscal Year Budget**. Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none he called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

C. DISCUSSION/ACTION ITEMS

1. **Resolution No. 16-39 - Suspending collection of Secondary Water Rates while the Secondary Water System is shut off during the 2016 Irrigation Season**

Lisa Dudley, Administrative Services Director, explained that on July 16, 2016, Mayor Applegarth, in consultation with officials from the State of Utah, Environmental Quality, issued a proclamation to turn off the City's secondary water supply to protect the public from bacteria and potential toxins associated stemming from the algae bloom on Utah Lake. She said a resolution had been prepared to suspend the collection of 1.2 or 50% of the Secondary Water Fees for the month of July. The secondary water was shut off on July 16; the decision to turn the water back on was given on Friday, July 22. Because the system fills from east to west, and knowing that took several days for the system to completely fill, the resolution considers that some residents may not have had water available before the end of July. She said the Utility Bills had not yet been calculated, the billing process was in a holding pattern.

Lengthy discussion was held and Council Member Tricia Tingey said she felt it was financially irresponsible to refund money back to users and said she was not in favor of resolution.

Council Member Brent Johnson concurred with Council Member Tingey and said the situation with Utah Lake had nothing to do with Riverton City; it was turned off for safety reasons and the City should not get into the habit of rebating funds when they cannot deliver water to the residents.

Following discussion, Council Member Paul Wayman **MOVED the City Council approve Resolution No. 16-39 – Suspending Collection of Secondary Water Rates while the Secondary Water System is shut off during the 2016 Irrigation Season. The motion died** for a lack of a Second.

3. **Height Exception, Amateur Ham Radio Antenna Height, proposed tower location 3740 W Market Center Dr.**

Jason Lethbridge, Development Services Director, explained that Lynn Hadfield is an amateur ham radio operator who, in coordination with The Church of Jesus Christ of Latter-Day Saints, has requested a permit to install an amateur ham radio tower on the roof of the office building owned by the LDS Church at 3740 West Market Center Drive. The proposed antenna is thirty-five (35) feet in height, and would be extend from the top of the mechanical structure on the roof of the four story office building.

Mr. Lethbridge explained that Riverton City ordinance does allow for the installation of such antennas; however, the wireless communications ordinance restricts roof mounted tower/antenna height as follows:

18.175.100 Requirements for roof-mounted antennas.

Roof-mounted antennas are where telecommunications equipment is mounted on a rooftop.

(1) Location. Roof-mounted antennas shall only be mounted on buildings of three stories or more, having flat roofs, a penthouse or a mechanical room. Not more than three antennas shall be located on any one rooftop.

(2) Height. The maximum height for antennas positioned on rooftops shall not exceed 10 feet above the roofline to top of antenna. However, when an antenna is attached to a mechanical room or penthouse or located 15 feet from exterior wall, the antenna may not exceed 15 feet above the roofline. Roof-mounted antennas shall be mounted a minimum of five feet back from the exterior wall.

Mr. Lethbridge said there were already three antennas mounted on the roof of the office building. The proposed new antenna would replace two of the existing structures, keeping the site in compliance with the limitation to no more than three (3) antennas. In reviewing the proposed antenna structure, it does not appear that, even with the increased height, it will be significantly visible from the surrounding area. However, the proposed height of thirty-five (35) feet does exceed the maximum of fifteen (15) feet. Riverton City’s ordinance does allow for an exception to be granted in the case of amateur radio antennas. The ordinance states that “Any applicant wishing to apply for an exception to the tower height shall specify the details and dimensions of the proposed antenna and its supporting structures and shall further specify why the applicant contends that such a design and height are necessary to accommodate reasonably the amateur radio communication”.

Mr. Lethbridge said that federal law mandates that exceptions, otherwise known as “reasonable accommodations” be granted to amateur ham radio operators when the policies advanced by regulation (such as elimination of visual impact created by antennae) can otherwise be met. In the present case, the location of the antenna, if installed, will place it approximately ¼ mile from the nearest residence, which makes the visual impact of the antenna obscure at best. The antenna’s installation will also lead to the elimination of two other antennae already present on the rooftop of the building. Therefore, staff believes that granting an exception, or reasonable accommodation, as the case may be, is proper under federal law. Utah Law also requires that “reasonable accommodations” be granted to enable amateur radio communication to maintain compliance with federal law. He further explained that the applicant applied for an exception to the maximum allowed height, which would be the thirty-five (35) foot tower to be mounted to the roof of the office building. The tower is unobtrusive and should not create any visual or aesthetic impacts to the surrounding properties. The building is within a larger commercial/office development, and there is a substantial buffer between any residential units in the area. He said staff proposed that the height exception be granted; and, should the Council concur and grant the exception, the tower would require a conditional use permit for installation.

Ryan Carter, City Attorney, explained Federal Regulations for Station antenna structures, and State law for Regulation of amateur radio antennas. He further explained that a reasonable accommodation should be made to allow ham radio in the City, which is a vital activity to national security and it was also vital to allow for communications needed in an emergency.

Council Member Sheldon Stewart **MOVED the City Council grant the height exception as requested.** Council Member Trent Staggs **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a roll call vote. The vote was as

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

D. CONSENT AGENDA

Mayor Applegarth presented the following Consent Agenda:

1. **Minutes:** RCCM 07-19-16, ECCM 07-22-16
2. **Bond Releases:** South Hills Dental Center-90% Performance
3. **Resolution No. 16-41** - Approving an Interlocal Cooperation Purchasing Agreement between Houston-Galveston Area Council, also known as HGAC and Riverton City
4. **Resolution No. 16-42** - Authorizing the City to enter into an Interlocal Agreement with Salt Lake County Public Works Services Flood Control

Council Member Trent Staggs **MOVED that the City Council approve the Consent Agenda as listed.** Council Member Tricia Tingey **SECONDED** the motion. Mayor Applegarth called for discussion on the motion; there being none, he called for a roll call vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously.**

E. STAFF REPORTS

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

Rosie Rivera, UPD Chief-Riverton Precinct, reported that the “Night out against Crime” would be held the following evening from 6 to 8 p.m.

Sheril Garn, Parks & Public Services Director, reported that there has been continued progress in developing emergency communications to the residents through Telecom Recovery and through VECC through Reverse 911.

Ryan Carter, City Attorney, reported that on August 1, 2016, the Utah Lake Water Users Association held an emergency meeting to review data from the State Engineer’s office regarding the water level of Utah Lake. The State Engineer, pursuant to the terms of a long standing management plan for Utah Lake, is planning to begin cutting back the amount of secondary water shares that the State will supply from Utah Lake to the canal companies and the Jordan River. Users of the City secondary water system are at risk of losing adequate pressure to the system for the same to remain usable. The date on which the State Engineer may decide to act depends on when the lake level falls to a sufficiently low level, but could happen as soon as August 9.

A lengthy discussion was held regarding the City’s Secondary Water System and the inability to provide secondary water to the residents due to the lack of water available from Utah Lake. The City Council directed staff to prepare an ordinance restricting the use of secondary water to residents, for use only on specific days of the week, and by “zone” established dividing the east

and west halves of Riverton City along the centerline of 2700 West Street. As a result of the discussion, the Council requested that Angie Trammell, Communications Manager, draft a statement for Social Media, and that a letter be sent to Utah Lake water using cities informing them of the City's effort to promote more effective conservation of this valued resource to extend the use of secondary water throughout the remainder of the season. Also, that the Riverton City Council has committed to adopt a mandatory watering schedule that will be implemented for the rest of the 2016 irrigation season.

Mayor Applegarth said the mailers would be distributed to the Council Member for approval prior to sending them out.

Brief discussion was held regarding Black Ridge Reservoir; Scott Hill said he would meet with Herriman City to determine the usage of the reservoir.

F. ELECTED OFFICIAL REPORTS

Mayor Applegarth complimented staff on the great job they had been doing in the many areas of the City.

Council Member Johnson requested a report from Sheril Garn, Parks & Public Services Director, regarding the deletion of the carnival at Town Days. She said she received a number of good compliments, especially when she explained why the carnival was not there. Chief Rivera said she received inquiries as to why the carnival wasn't there.

Council Member Staggs spoke of the awareness of a resident in his district, Josh, who was being held in a Venezuela jail. He said Josh has not had his due process and a "Justice for Josh" awareness campaign had been initiated to help him; he asked the Council to help spread the word. He then reported on a \$20,000 and a \$30,000 grant that had been received by the Jordan River Commission. He then spoke of the Peggy Green Park improvements and said that \$30,000 had been appropriated but the bids received were \$50,000-\$60,000. He said he would continue to work with staff and spoke of a budget amendment for an additional \$30,000 to complete the park. He spoke of work being done on Reeves Lane and Mr. Carter said the City would keep monitoring the development. Mr. Staggs spoke of the Historic Preservation Commission and asked that the approval of appointments to the Commission be on the September 6th agenda. He then said, from the comments he received regarding the carnival, they would like it back next year.

Council Member Stewart spoke of a fence issue that needed to be addressed prior to the beginning of school.

Council Member Tingey requested that staff notify her of activity in her district.

Council Member Wayman requested a copy of the correspondence from the City regarding the secondary water.

Mayor Applegarth led discussion regarding Ute Football and parking at Centennial Park. Sheril Garn, Parks & Public Services Director, explained that youth football is holding practice at Centennial Park for one month because the grass is already established and fit for one month of football practice, as opposed to holding the practices at C.R. Hamilton Sports Complex. She acknowledged that parking was a problem at that park. The Council Member concurred that UPD enforce parking in that area.

G. UPCOMING MEETINGS

Mayor Applegarth reviewed the following upcoming meetings:

1. August 16, 2016 – Regular City Council Meeting – 6:30 p.m.
2. September 6, 2016 – Regular City Council Meeting – 6:30 p.m.

H. ADJOURN

Council Member Tricia Tingey **MOVED to adjourn**. Council Member Sheldon Stewart **SECONDED** the motion. Mayor Applegarth called for a vote. The vote was as follows: Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously**. The meeting adjourned at 9:44 p.m.

Approved: CC 08-16-16