

**Riverton City, Utah**  
**CITY COUNCIL WORK SESSION**  
**Minutes**  
**September 20**  
**Riverton City Hall**  
**12830 South 1700 West**  
**Riverton, Utah 84065**

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**Attendance:**

Mayor William R. Applegarth

**Council Members:**

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

**City Staff:**

Lance Blackwood, City Manager  
Virginia Loader, Recorder  
Ryan Carter, City Attorney  
Jason Lethbridge, Planning Manager  
Trace Robinson, Public Works Director  
Lisa Dudley, Administrative Services Director  
Mike White, UFA Battalion Chief  
Angela Trammell, Communications Director  
Scott Hill, Water Director  
Sheril Garn, Parks & Public Services Director

**A. GENERAL BUSINESS**

**1. Call to Order and Roll Call**

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

**B. DISCUSSION ITEMS**

**1. Commercial Professional Office (CPO) Zone**

Jason Lethbridge, Development Services Director, explained that Section 18.90, Table of Commercial Uses, lists categories of commercial and office uses and indicates whether such uses are allowed in the various commercial zones. He said that staff had been requested to present to the Planning Commission proposed amendments to that table regarding medical and counseling services uses. He said the proposed amendments were in response to concerns that certain types of medical and/or counseling service uses may, under the current wording, include residential components to facilitate in-patient services. The amendments were proposed as follows:

1. The entry for 'Counseling Services' shall be changed to read 'Non-residential Counseling Services-Outpatient Only'

2. The entry for ‘Medical Clinics’ shall be changed to read “Medical Clinics-Outpatient Only”
3. ‘Hospitals’ shall be changed to a Non-Permitted use in the Commercial Professional Office Zone.

Mr. Lethbridge said the proposed amendments limit counseling services and medical clinics to outpatient services only, with no residential component allowed. The amendments also amend the “Hospital” category to non-permitted in the C-PO Zone. He said the amendments would not affect any existing hospital or hospital service in the City, as those existing facilities were in the Commercial Regional Zone.

Following discussion, Council Members concurred with placing Plasma Donation Centers on a separate line item in conjunction with Medical Clinics-Outpatient Only with the same zoning designations. Councilman Wayman spoke in opposition and said he would like it to be more restrictive. This item will be on an upcoming agenda with the changes proposed.

## **2. Conditional Use Permits/Process**

Jason Lethbridge, Development Services Director, explained that a Conditional Use was defined in Riverton City’s Code as “*Certain uses which may be harmonious under special conditions and in specific locations within a district, but may be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits*”. He said permits for Conditional Uses were currently heard and approved by the Planning Commission. Riverton City’s ordinance granted approval authority of Conditional Use Permits to the Planning Commission since prior to 1997. He said the Planning Commission reviews an average of 25-30 Conditional Use Permits per year.

Mr. Lethbridge said the appeal authority for Conditional Use Permit decisions by the Planning Commission was the Board of Adjustment, which was reaffirmed in the recent amendments to the Riverton City Code regarding the makeup and duties of the Board of Adjustment. In light of recent discussions regarding conditional use permits and changes in state code and applicable case law, He said staff presented this item to the City Council for discussion.

Mr. Lethbridge said that one concern that had been expressed was whether cities in the region are “getting away from” the use of conditional use permits in land use decisions. As staff reviewed the matter, it did not appear that any city of note had eliminated entirely the use of conditional use permits to address land use issues. However, many cities were, in response to changing state codes and applicable case law, amending ordinances to more clearly detail criteria for conditions imposed during the approval process. He said that, in many ways this was a similar process to other permit approvals for Riverton City. The standards, requirements, and criteria for items such as commercial site plans or residential subdivisions were set in ordinance, and the Planning Commission reviews and renders decisions on those applications based on the relevant ordinances.

Mr. Lethbridge explained that for Conditional Use Permits issued for Home Occupations, or home based businesses, the criteria in the ordinance was fairly well detailed. He said the

ordinance listed uses that were and were not compatible with residential properties, and set forth criteria for the Planning Commission to consider in establishing conditions. That ordinance, however, only applied to Home Occupations. He explained that one of the primary changes staff felt should occur was the adoption of similar language in the Conditional Use ordinance that would apply more broadly than just home businesses. He said that would clarify for the public how conditional use permits would be reviewed; but would, most importantly, define for the Planning Commission and for staff the basis for review and decision on such permits. The City's current Conditional Use Permit Ordinance, the Home Occupation Ordinance, and an example of a recently updated Conditional Use Permit Ordinance that functions as described above, with more detailed standards and criteria, were provided to the Council.

Following discussion and, rather than hiring a consultant to conduct a study for a Conditional Use Permit Ordinance, the City Council agreed to adopt the ordinance presented by Mr. Lethbridge on October 18, 2016, have Staff add a section for Parks, make any noticeable changes, and discuss it in the Strategic Plan for prioritization. Also, if any new application for a Conditional Use Permit comes to the City, it should be held until adoption of the ordinance, which was scheduled for October 18.

### **3. Geologic Hazards Ordinance**

Ryan Carter, City Attorney, explained that the general purpose of the sensitive area overlay (OV-SA) ordinance was to provide standards, guidelines and criteria that would help minimize flooding, erosion and other environmental hazards as well as protect the natural scenic character of the hillsides, wetlands, stream corridors and wildlife areas within Riverton City boundaries. He reviewed the standards in the ordinance and their intended purposes. He then explained in detail additions to the ordinance regarding Clustering and Hillsides/slopes protection. Mr. Carter said the proposed ordinance would be presented to the Planning Commission for their review and recommendation prior to Council's approval.

Mayor Applegarth left the meeting at 8:40 p.m. and Mayor Pro Tempore Stewart conducted the remainder of the meeting.

### **4. Potential Use in City Park**

Sheril Garn, Parks & Public Services Director, explained that Josh Holt, a Riverton resident, has been detained in a Venezuela Prison since the end of June. There has been a request for the City to allow a group of friends and family to organize a fundraising event for the purpose of assisting his family with the legal fees associated with his incarceration. They are requesting to use the park at no cost for a commercial event to be held on October 8.

Discussion was held regarding a precedence that would be set and the need for a policy and/or permit for such events where in taxpayer dollars were being used for specialized events. Because of the unusual situation and circumstances, the Council agreed to support the event. Discussion was held regarding payment to the City for employee's time spent for cleanup of an event, which they agreed should be charged. Mrs. Garn said she would meet with the family and let them

know of the requirements for the event to take place on City property. Mayor Pro Tempore Stewart said it would be difficult to get support from UFA for any events at the current time.

### **5. Citizen Memorials in City Parks**

Sheril Garn, Parks & Public Services Director, explained that on occasion residents have requested to plant, or have taken it upon themselves, to plant trees or place benches on City property. The City favors this practice; however, she said it was in the best interest for the safety of the citizens and City property, as well as for the health and welfare of a tree, that the City incorporate a “Donation Policy & Procedure Program” that addresses these types of donations to the City. The Council concurred with the “Donation Policy & Procedure Program” as presented.

Mrs. Garn displayed an example of benches that had been placed at Westfield Down Park at 2700 West 12067 South. The Council concurred that the benches should be left in place, but they should be monitored periodically to ensure they are in safe condition. If the benches deteriorate and become considered unsafe, they will be removed by the City.

### **6. Scope of work for consulting services to analyze additional secondary water sources**

Paul Wayman, City Council Member, presented a Scope of Work that would accomplish the investigation, study and analysis of the Secondary Water System of Riverton City.

The following alternatives for secondary water and ways to improve pressure were discussed: Jordan River Pump Station/Green Well, SLR Well, Culinary Well Conversions, Securing Senior (Primary) Water Rights, Utah Lake Distributing Canal Evaluation, Reuse Water, Subsurface Well, Conservation, Storm Water, and possible sources for secondary supply that may exist at different diversions on the Jordan River or any of the canals.

Lengthy discussion was held regarding a study. Rather than hiring a consultant to prepare a study analyzing and evaluating data, the Council Members concurred that Staff could provide the data, evaluation and study.

City Manager Lance Blackwood said that the same question continued to be asked about using the City’s well water as a source for secondary water. He said the answer was no; however, the question kept being asked. Scott Hill explained that the City was currently using 19 million gallons per day and all the City wells produce 10 million gallons per day. Mr. Blackwood and Water Director Scott Hill explained that the wells could not be used for secondary water because there was not enough water for the pressure. Also, they said if the culinary wells were switched over to the secondary system, they could not be switched back to the culinary system.

Angie Trammell, Communication Manager, explained her role during the last event involving the secondary water system and said that in a future event only known facts should be communicated and in a consistent manner.

It was decided in a discussion led by Mayor Pro Tempore Sheldon Stewart that further discussion would occur during the Strategic Planning Sessions in January, wherein Staff would develop a frame work that would include: Plan 1 – Conservation; Plan 2 – TBD; Plan 3 - Developing a new source of supply for secondary water. Once in place, in time of a crisis, a vote of the City Council would identify which Plan would be implemented. It was noted that specific communications could be in place depending on the Plan implemented.

Mayor Pro Tempore Stewart reported that an offer was extended for the UFA Chief appointment and it should be known prior to Thanksgiving Holiday if it was accepted. He also spoke of an upcoming Interlocal Agreement that would be presented to the City Council regarding a change in the upper command structure of the UFA allowing for two Deputy Chiefs, one Deputy over Operations and one over Personnel.

Council Member Staggs reported that Riverton City had not yet adopted the SLVLESA Budget. He said prior to adoption of the budget, he had been negotiating a couple of items that would require an Interlocal Agreement should Riverton City withdraw from SLVLESA.

Mayor Pro Tempore Stewart then reported on UFA Fire Stations 120 & 124 and said they were working on strategies for those locations.

### **C. UPCOMING MEETINGS**

Mayor Pro Tempore Stewart reviewed the following upcoming meetings:

1. October 04, 2016 – Regular City Council Meeting – 6:30 p.m.
2. October 18, 2016 – Regular City Council Meeting – 6:30 p.m.

### **D. ADJOURN**

Council Member Trent Staggs **MOVED to adjourn**. Council Member Tricia Tingey **SECONDED** the motion. Mayor Pro Tempore Stewart called for a vote. The vote was as follows: Council Members Johnson-Yes, Staggs-Yes, Stewart-Yes, Tingey-Yes, and Wayman-Yes. **The motion passed unanimously**. The meeting adjourned at 9:10 p.m.

**Approved:** CC 10-04-16